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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 29 July 1946, 1000-1700. Lord Justice Lawrence presiding.

THE PRESIDENT: I call on the Chief Prosecutor of the Provisional Government of the Republic of France, M. Champetier de Ribes.

M. CHAMPETIER DE RIBES: Mr. President, Gentlemen: Before presenting the final speech of the French Public Prosecutor, I must ask the Tribunal's permission to express the admiration and thanks of my country for the objectivity and the serenity with which these trials have been conducted.

For the last nine months more than fifteen years of history have been evoked at this bar. Germany's archives, those the Nazis were unable to burn before their defeat, have yielded us their secrets. We have heard numerous witnesses, whose recollections would have been lost to history but for the present trial.

All the facts have been submitted with the strictest objectivity, leaving no room for passion nor even for sensibility.

The Court has excluded from the debate anything that, in its opinion, seemed insufficiently demonstrated, anything that might have appeared dictated by a spirit of vengeance.

For the interesting point of these trials is above all that of historical truth. Thanks to them, the historian of the future, as well as the chronicler of today, will know the truth about the political, diplomatic and military events of the most tragic period of our history; he will know the crimes of Nazism as well as the hesitancies, the weaknesses, the omissions of the pacific democracies. He will know that the result of twenty centuries of civilization, which believed itself to be eternal, nearly collapsed before the renewed onslaught of a new form of the ancient barbarism, all the more savage for being more scientific.

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He will know that technical progress, that the modern means of propaganda, that the devilish processes of a police defying the most elementary rules of humanity, have enabled a small minority of criminals to distort within a few years the collective conscience of a great people, and to transform the nation of Goethe, of Kant, of Sebastian Bach, into that of Hitler, of Himmler and of Goebbels, to mention only the dead.

He will know the crime of these men has been to have conceived the most gigantic plan of world domination and to have wished to realize it by all and every means. By every means, that is to say without a doubt by the breaking of the given word and by the unleashing of the very worst kind of war of aggression, but particularly by the methodical, scientific extermination of millions of human beings and specifically of certain national or religious groups, the existence of which hampered the hegemony of the Germanic race.

This crime is so monstrous, so unknown in history up to the birth of Hitlerism, that the neologism of "genocide" had to be created to define it, that it required an accumulation of documents and testimonies to make it believable.

That, to the shame of the times we live in, this crime was possible, the perfect collaboration of the four Public Prosecutors has permitted the proof to be given, and, within the limits of the counts of the indictment she reserved for herself, France believes she has done her part in the common task.

While the defendants and their defense counsels have spoken much before the Tribunal regarding the protection which the innocent civilian population is entitled to, as of an obvious principle, it has been established by us that the defendants have deliberately violated this principle by treating these civilian populations with utter disregard for human life. Is it necessary to evoke the terrible sentence pronounced by the defendant Keitel "human life is worth less than nothing in the occupied territories."

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Renewing a tradition which symbolizes the most primitive practices of warfare, the defendants reinstated the system of hostages. They put their signatures to general orders to capture and execute thousands of martyrs. In France alone 29,000 hostages were shot. We know that the fighters of the resistance, whose patriotism is now being admired by the defendants, have been massacred, tortured, interned for the purpose of their slow extermination; that, under the pretext of reprisals, by the carrying out of orders or by the committing of individual cruelties which were covered by the complicity of the authorities, civilians chosen absolutely at random have been executed, that entire villages were burnt down: Oradour-sur-Glane, Maille in France, Putten in Holland have not yet risen from their ruins.

We all have in mind the atrocious orders issued in the operational sector of Marshal Kesselring to combat partisan activity by terror. We saw there one officer order as a reprisal the execution of fifty, of one hundred, or even of all the men of a region as a reply to isolated acts directed against the German army. The carrying out of that order was authorized on the basis of instructions by the commander of the theater of operations, who himself acted on more general instructions issued by the defendant Keitel. This example illustrates the perfect collaboration of the National Socialist Cadre and the State and pleads, if it is still necessary, for the joint responsibility of the leading personalities of the regime.

We know that thousands of men have been torn away from their homes and forced to produce arms against their own country.

The bad treatment given to the soldiers hurt us even more, because Germany, be it the traditional Germany, the Nazi Germany in power, or the same Germany now presenting the poor argument of its defense in the prisoners' docks, has always claimed to adhere to the universal rules of military honor and to the respect due to all soldiers. And, in spite of this, we

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have seen Keitel himself, the champion of these ideas to a point that he brought it up again at the conclusion of his testimony in the witness box, urge the Wilhelmstrasse and the co-defendant Goering to approve his criminal propositions concerning the treatment of aviators who fell into their hands.

Documents like the testimony of Grunner admit of no doubt that the criminal orders to exterminate and lynch aviators had been issued in the regular manner and been transmitted to the agencies charged with their execution.

No doubt is possible as to the principles involved in the drawing of the order concerning the commandos, nor as to the execution of this order in the various theaters of operations. The Prosecution has furnished a striking collection of evidence on this point.

Our concern became even stronger when we acquired the certitude that cruel orders had been issued to execute or intern for the purpose of their extermination men who had already been reduced to a state of helplessness by their detention in a prisoner of war camp.

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We have in mind the sinister affair of Sa an, often evoked in the course of this trial. The defendants themselves attempt only to evade their personal responsibility without denying the atrocity nor the truth of the facts. We have shown how the refractory escaped officers and non-commissione officers, whose past records and attitude demonstrated their moral force, had been exterminated by the "action" Kugel.

Finally, Nazi Germany has unviled her plan of expansion and world domination by systematically organizing the extermination of the populations whose territories she occupied.

This action was carried out at first, as we have proved, by the political economic and moral destruction of the occupied countries. The means used for that purpose were the brutal or gradual seizure of sovereignty, or the carefully worked out interference of the German authorities in all domains, the creation and implacable execution of a program of economic pillage in order to achieve the exhaustion of the occupied country and to put it at the absolute mercy of the occupant, and as a result the Nazification of the State and the people, together, with the desturction of cultural and moral values.

But this methodical extermination was also carried out in the material domain of the systematic massacring of people.

Is it necessary to evoke the gigantic extermination of groups supposedly impossible of assimilation with the Nati nal-Socialist world, the immense grave yard of the concentration camps, where 15,000,000 people perished, the abominable achievements of the "Einstzgruppen" (groups for special commitment) described with irrefutable exactness by General Ohlendorf

We think we have also established the proof of those pernicious extermination attempts which upon examination, prove to be one of the most perfect expressions of the policy followed by the defendants. I am referring to the deliberate under-nourishment to which these non-Germans were subjected who fell under Nazi authority under whatever circumstance entire nations starved out in reprisals, civilians in occupied territories ruthlessly rationed in the framework of the pillage of the territory. The Tribunal recalls what Goering says to the Gauleiters, Number 170 USSR, "It is absolutely immaterial to me if you tell me that your people are collapsing for hunger,

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Let them collapse, so long as no German starves." And again with reference to Holland : "It is not our mission to feed a nation which spiritually rejects us. If its people are so weak that they cannot as much as raise a hand where they are not employed to work for us, so much the better..."

Famine, physiological misery and the resulting reduction of vital potential, all this, as well as the slow exhaustion of political internees and prisoners-of-war, is included in the plan of extermination of populations to clear German vital space.

The same idea governs the detention in captivity or semi-captivity in the case of labor deportees, of young healthy men whose presence at home was necessary to the future of the country.

All this has been confirmed to us by the latest census results.

These reveal to us that every German occupied country has registered a decrease in population of 5 to 25 % whereas Germany is the only country in Europe which shows an increase in population.

We have proved all these crimes. After the submission of our documents the hearing of the witnesses, after the projection of films which the defendants themselves could not behold without a shudder of horror, nobody in the world can possibly claim that the extermination camps, the executed prisoners, the slaughtered populations, the mounds of corpses, the human herds maimed in flesh and soul, the instruments of torture, gas chambers and crematories, that all these crimes existed only in the imagination of anti-German propagandists.

Indeed, none of the defendants have challenged the truth of the facts we have reported. Since they cannot deny them, they merely try to clear their responsibility by burdening the memory of those of their accomplices who committed suicide.

"We knew nothing of the [illegible]rs", they say, or again :"we did everything we could to prevent them but Hitler, who was all-powerful, commanded and did not allow disobedience or even resignation from office".

What a poor defense ! Whom can they possibly persuade that they alone were in ignorance of that which the whole world knew and that their monitoring stations never reported to them the solemn warnings which the heads of the United Nations gave to the war criminals by radio.

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They could not disobey Hitler's orders, they could not even resign from office ? Indeed ! Hitler could doubtless govern their bodies but not their minds; by disobeying they would perhaps have lost their lives but they would have saved their honor at least. Cowardice has never been an excuse, nor even an extenuating circumstance.

The truth is that all knew perfectly -from having taken part at its elaboration- the doctrines of National Socialism and its will for universal domination, that they well knew to what monstrous crimes it led its adepts and its performers with disastrous results, that they had accepted its responsibilities as they profited by the material and moral advantages which it lavished upon them.

But they thought themselves sure of immunity because they were certain of victory, and that before the triumph of force, the question would not be asked : was the cause just ? They persuaded themselves as they had done after the war of 1914, that no international jurisdiction could ever pursue them. They thought that Pascal's pessimistic judgment on human justice in international relations would always be true :" Justice is liable to argument. Force is easily recognizable without argument. So being unable to make strong what is right, one has made right what is strong."

They are mistaken, since Pascal, slowly but surely, the notion of Man and of Justice is born, and has taken shape in the international custom of civilized nations.

The Court will no doubt remember that in conclusion of its enumeration of the charges of the Prosecution, the French Prosecution has stated precisely the responsibility of all the defendants, "guilty of having, in their capacity of principal Hitlerite leaders of the German people, conceived, desired, ordered or only tolerated by their silence that murders or other inhuman actions be systematically committed, that violence be systematically exerted on prisoners-of-war or civilians, that devastation without justification be systematically committed as a deliberate means of accomplishing their design to dominate Europe and the world by terror, and to exterminate entire populations, so as to extend the living space of the German people."

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It is only left to us to demonstrate that the debates which have taker place before you, have only confirmed and reinforced the accusations and the qualifications, that at the beginnin of the proceedings we already formula against the big criminals, whom, in execution of the Charter and to satisfy the exigencies of Justice the United Nations have deferred to your Court.

I ask the Tribunal to allow M. Dubost to make these statements.

M. DUBOST: I am recallin the facts set forth by the French Delegati This reminder was needed to establish our contribution to the trial. We do not intend, however, to disjoin our work from the whole work of the trial, as results from the expositions of the other three Delegations and the deba It is on the basis of this work as a whole that we shall proceed with our indictment and examine the personal responsibility of the defendants.

Reviewing the deeds charged against them one by one, they are found t be murder, indictible theft, and other serious offenses against persons and their property which are always punishable in civilized countries. M. de Menthon has in his introductory address shown this already.

The defendants did n t actually commit the crimes, they were satisfie with ordering them. In the technical sense of our French law, they are therefore accomplices. Making allowance for certain differences, mostly differences of form only, in most countries the perpetrators of seri us offences and their accomplices are punished by capital punishment or very severe penalties, forces labor, solitary confinement.

That is the Anglo-Saxon practice. This also follows in France from applica of Articles 221 ff, 379 ff, 59 ff of the French Penal Code. In Germany Article 211 punishes homicide, Article 212 murder, Articles 223 to 226 tortures, Article 229 poisoning and murder by gas. Article 234 covers slavery subjection to serfdom, incorporation with a view to military service in a foreign country; Articles 242 and 243 cover theft and pillage; Article 130 provoking the population to violence. The case of accomplices and of co-originators is covered by Articles 47 and 49.

Similar arrangements exist in Soviet legislation.

That, as the leaders of the Reich, as the accomplices of the Fuehrer, these men are all responsible for the crimes perpetrated under their rule,

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that before the universal conscience their responsibility is heavier than that of the common executioners, two defendants : Frank and Schirach have admitted it :

Frank said :

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"I never created extermination camps for Jews. I never favored the existence of these camps either, but if Adolf Hitler placed this terrible responsibility on the shoulders of his people, this responsibility rests also on me, for we fought the Jews for years, we made all kinds of statements against them....."

and these last words of Frank condemn, with him, all those who pursued the campaign of instigation against the Jews in Germany of elsewhere. Let us remember Fran's answer to the question, put to him by his Defense Counsel regarding the charges stated in the indictment. It holds good against all the defendants and still more against those who were closer to Hitler than he was:

"Regarding the charges I will only say this: I request the Tribunal to decide as to the extent of my culpability at the end of this trial, but I should like to say personally that from all that I saw in the course of these five months of trial, which has given me a general survey of all the horrible things that have been committed, I feel thoroughly guilty."

Von Schirach on his part stated:

"Here is my fault for which I am answerable before God and the German people. I brought up our youth for a man whom in the course of many long years I considered, as the chief of our country. For him I trained our youth that considered him as I myself did. It is my fault for having trained our youth for a man who was an assassin, who killed millions of people . . . Any German who after Auschwitz still adheres to the social policy is guilty... I consider it my duty to say so".

Such cries of conscience were rare in the course of this trial and more frequently, copying Goering's quibbing vanity, the defendants tried to justify themselves in the name of a policy of Neo-Machiavellism which would free the leaders of the State of all personal responsibility. Let us note only that no such provisions are made anywhere in the laws in any of the civilized countries, and that on the contrary the arbitrary and aggresive acts aimed at individual liberty, at Civic rights or at the constitution are more severely punished

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when they have been committed by a public functionary, a Government official of higher rank, and that the severest punishment is meted out to the Ministers themselves (Article 114 and 115 of the French Penal Code).

But let us limit ourselves on this point. Our only aim is to recall that the main facts charged against the defendants may be analysed separately as violations of the criminal laws of any one of the positive internal laws of all civilized countries, or else of that common internation law which M. de Menthon has already interpreted and which has been submitted here as the root of international custom, and that thus the punishment of each of these facts is not without a foundation, but that on the contrary, even restricting one's self to this analytical preview, the gravest penalties have already been incurred.

It is, however, necessary to go beyond that, for while it does not omit any culpable fact as such, the analysis of the defendant's guilt in the light of internal laws is only a first approximation which would enable us to prosecute the defendants merely as accomplices and not as principal perpetrators. And we are anxious to demonstrate that indeed they were the principal culprits.

We hope to succeed in this by developing the following three propositions:

1.) The acts of the defendants are the elements of a criminal political plan.

2.) The coordination of the various departments which were headed by these men implies a close cooperation between them for the realization of their criminal policy.

3.) They must be judged as acting in behalf of this criminal policy.

THE ACTS OF THE DEFENDANTS ARE THE ELEMENTS OF A CRIMINAL POLITICAL PLAN.

The defendants have practised widely different activities. As politicians, diplomats, soldiers, sailors, economists, financeers, jurists, or propagandists, they represent practically all the forms of liberal activity. Without any hesitation, however, one is able to recognize the tie that binds them together. All have placed the best -- or the worst of themselves -- at the service of the Hitlerite State. To a certain extent they represent the brains of that state. By themselves alone they did not represent it entirely.

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Nevertheless, nobody can doubt that they were an important part of it. They conceived the policy of that state. They wanted their thought to become action and all in scarcely differing degrees have contributed toward its realization. This is true whether it applies to Hess, to Goering, professional politicians who admit never having practised any other profession than that of agitator or statesman, or to Ribbentrop, to Neurath, to Papen, the diplomats of the regimes, or to Keitel, to Jodl or Doenitz or Raeder the military men, to Rosenberg, to Streicher, to Frank, to Frick, the thinkers (if that term can be applied to them) of the ideology of the system; to Schacht, to Funk, the financiers without whom the system would have failed and collapsed before it was able to rearm, to jurists like Frank, to publicists and propagandists like Fritzsche, and, again, Streicher, devoted to the diffusion of the common idea or again to technicians like Speer or Sauckel, without whom the idea never could have been developed into action as it has been, to policemen such as Kaltenbrunner who subdued minds by terror, or simply Gauleiters like Seyss-Inquart, Schirach or, again, Sauckel, administrators, officials of high authority as well as politicians, who shaped into a concrete whole the common policy conceived for the sum-total of the State and of party machinery.

I know full well that the shadow of the absent ones towers over this machines, and today's defendants are always reminding us: "Hitler wanted this, Himmler wanted this, Bormann wanted this", they say. "I only obeyed", and their defence counsels stress the point. Hitler the prodigious tyrant, the fanatic visionary imposing his will wi... an irresistible magnetic power. This is too simple. This is too sketchy. No man is entirely non-receptive to suggestions, to insinuations, to influence, and Hitler could escape that law no more than any other man. We have had irrefutable proof of this in all that these proceedings have permitted us to guess concerning the struggle for influence which was waged in the "great man's" entourage. The treacherous, underhanded slanders were unrolled, the intrigues which reminded us at certain time during the proceedings of the small courts of the Italian Renaissance. Everything was included, even up to murder. Is it not true that Goering, before he himself fell into disgrace, got rid of Roehm and Ernst, who had not plotted against their

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master, but against him, as Gisevius told us. So much imagination such perseverance in evil, but also such efficiency, show us that Hitler was not insensible to the actions and intrigues of the men around him. What a pity that these intrigues were not trained in the right direction! But of Hitler's receptiveness to influences we have direct evidence, and it is given us by Schacht who thereby apart from these men involves the German masses, the good sense of which these men had contributed to warp and in which they roused the worst of passions.

Did not Schacht say of Hitler in Court:

"I believe that in the beginning he did not have only evil tendencies without a doubt he believed he wished only good, but little by little he became the victim of the charm he exerted over the masses, for he who begins by seducing the masses is in the end seduced by them, so that this relation between chief and disciple helped to lead him into the erroneous ways of mass instincts, which any political chief should strive to avoid."

What was then the great idea of them all?

Incontestably it was that of the conquest of vital space by any and all means, even the most criminal.

At a time when Germany is still disarmed, when prudence is still required, Schacht, who is on Hitler's side, asks for colonies; we remember Hirschfeld's testimony, but he dissembles, he partly disguises the great idea of the State machine to which he belongs, and this idea we would be less easy in our mind in denouncing it without the disconcerting artlessness of"the great man", who ten years previously had revealed the whole of his plans of battle for all the world to see.

"Mein Kampf" (French text)

"The German people cannot consider its future otherwise than as that of a world power. During nearly two thousand years the stewardship of our people's interest, as we must call our more or less successful foreign political activity was an integral part of world history. We have even witnessed it; for the gigantic conflict

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"between nations from 1914 to 1918 was nothing else than the struggle of the German people for its existence on the terrestrial globe and we even call that event the World War. "The German people went into the fight as a so-called world power. I say 'so-called' for in reality it was not. If in 1914 there had been a different proportion between its superficial area and the number of its population, Germany would have been a world power, and, apart from the other factors might have found a successful issue"...

This is the next quotation:

"I would rather say this: The claim for the reestablishment of the frontiers of 1914 is a political insanity through its proportions and its consequences, which reveal it to be an actual crime, this without taking into account that the frontiers of the Reich were anything but logical. In reality they did not include all the men of German nationality and neither were they more rational from a strategic point of view. They were not the result of a calculated political plan, but rather temporary frontiers; in the couse of a struggle by no means ended, they were even partly the rasult of a gamble."

The frontiers of the year 1914 have absolutely no value for the future of the German nation. They constituted neither a safeguard for the past nor a power for the future. They will not enable the German people

"to maintain its inner unity nor to assure its subsistence. Rgarded from the military point of view, these bounderies appear neither well chosen nor reassuring and, finally, they cannot improve the situation in which we actually find ourselves in relation to the other world powers or to be more correct, in relation to the real world powers."

Here is another quotation:

"But we, we other National-Socialists, must hold immovably to the goal of our foreign policy: to secure for the German people the territory to which it is entitled in this world. And this is the only action which before God and before Germany's future generations justifies the shedding of blood; before God, because we were placed upon this earth

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"to gain our daily bread through perpetual striving, as creatures to whom nothing has been given without an equivalent, and who owe their position as masters of the earth to their intelligence only, and to the courage with which they know how to conquer it and to conserve it for our German posterity, provided that the blood of a single German citizen will not be shed unless this should give to future Germany thousands of new citizens. The territory upon which the robust children of generations of German peasants will some day be able to multiply, will justify the sacrifice of our children and will absolve the statesmen who by their generation are being held responsible, even persecuted because of the blood and the sacrifice imposed upon our people."

A further quotation:

"A State which in an age of racial contamination keeps jealous watch over the conservation of its best elements, is bound some day to become the master of the earth....."

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The last quotation:

> "A stronger race will drive away the weaker races, since the final rush towards life will break the ridiculous restraints of a so-called individualistic humanity to replace it by a humanity true to the nature which annihilated the feeble in order to give their place to the strong...."
> ("Mein Kampf", page 135).

And then the strength of the State machinery and of the Party grew. The recognized army was soon powerful enough to permit Germany to arm openly. Who, at that time, would dare to interrupt the monstrous development of this biological materialism? Hitler specified his ideas in a smaller circle, and those who heard his words were not all Nazis. Enlightened as to the master's purposes, they will yet stay by his side, and that is what condemns them. Is it not so Raeder?

> "The question is not of conquering populations, but of conquering territories suitable for cultivation..."

Hiter said in conference with von Blomberg, von Fritsch, and Raeder on 5 November 1937

> "Expansion cannot be made a reality except by breaking existances to pieces and running the risks....."

That comes from the same speech.

After von Fritsch and von Blomberg had fallen into disfavor, Keitel and Jodl, picked because of their servility to the system, had a solid war-tool in their hands. On the evening before the atbreak of the conflict, Hitler recalled his thoughts:

> "Circumstances must be adapted to goals which are to be attained. This is impossible without invasion of foreign States, or attack against foreign property.

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"Vital space proportionate to the greatness of the State is the basis of all power. For a time one can refuse to face the problem, but in the end it must be solved, one way or another. The choice is between progress or decline. Fifteen or twenty years hence we will be forced to find a solution. No German statesman could evade that question any longer. We are, at this moment, filled with a patriotic fervor which is shared by two other nations, Italy and Japan.

"The period which is behind us was well utilized. All measures were taken concretely and in harmony with out aims.

"After six years, the situation today is as follows: National political unity of t the Germans has bee accomplished except for a few details. The ultimate success cannot be obtained without the shedding of blood.

"Danzig is in no case a subject of dispute. It is a question of expansion in the East, of space needed for our existnece (Lebensraum) and of assuring our food supplies.

.....

"The peoples of non-German territories will not be called for military service, but will be available as a labor reserve.

"The Polish problem is inseparable from a conflict in the West."

IExtract from Minutes of a Conference at the Reich Chancellory, of 23 May 1939, in the presence of Hitler, Goering, Raeder, Keitel and others. - Doc. L.79, Exhibit USA 27).

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And the war came, which in a few months time made all Germany believe that her force was irresistable and that she could proceed to conquer the world. All that was meant by this cruel, monstrous phrase of Hitler:

> "We must keep firmly to the aim of our foreign policy: secure for the German people the territory to which it is entitled in this world. And this act is the sole act which, before God and our German posterity, justifies bloodshed...."

All this monstrous phase was thus developed:

> "We claim to have been compelled to carry out occupation, administration etc.,... Nobody will realize it is the question of a permanent settlement. It will not prevent us from taking the necessary measures: executions, deportations...etc."
> (Speech by Hitler on the Eastern Territories, 16.7.41) (L.221).

And further on:

> "Partisan warfare will have one advantage for us, It will enable us to exterminate all those who oppose us..."
> (Same speech L.221).

The same these was taken up and cynically proclaimed by the spokesmen of the State.

This Trial has brought you echos thereof. And in a speech by Himmler, document PS-1919:

> "Whatever the nations of category A blood can offer us we shall take, if necessary by taking their children away from them and bringing them up among us".

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From the same speech:

> "whether nations thrive or starve only interests me in the measure that we use them as slaves for our civilization".

From the same speech again:

> "That 10,000 Russian women should die of exhaustion in digging an anti-tank ditch only interests me to the extent whether the anti-tank ditch has been completed for Germany".

And further from the same speech:

> "When somebody comes and says to me: 'I cannot have the anti-tank ditch dug by women and children because it is inhuman and would kill them,' I reply: You are a murderer of your own kin, for if the ditch is not fininshed German soldiers will fall and they are the sons of German mothers."

And from the same speech; and concerning the extermination of the Jews:

> "We have exterminated microbes. We did not wish to be contaminated and die. We have fulfilled this duty for the sake of our people. Our spirit and character have not suffered from it".

The conquest of vital space, i.e., of Territories emptoed of their population by every method, extermination included, that was, gentlemen, the great idea of the Party, of the system, of the State and thus of all men who are at the head of the main administration both of the State and of the Party.

That is the great idea in the service of which tye united, for which they have been working. To realize this all measures were good enough, violation of treaties, invasions and enslavement of

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weak and peaceful neighbors in peactime, wars of aggression, total wars with all the atrocities the words imply. Goering and Ribbentrop cynically admitted that they participated in it spiritually and materially, and the generals and the admirals helped as hard as they could.

Speer exploited labot to st rvation and to death, labor recruited for him by Sauckel, Kaltenbrunner, the regional leaders of the NSDAP (the Gaulieters), and the Generals. Kaltenbrunner exploited the gas chambers which Frick, Schirach, Seyss-Inquart, Frank, Jodl, Keitel and the others furnished with victims. But the creation of the gas chambers themselves had been made possible because of a favorable political ideology had been developed and there each overlapping the other, you find the responsibility of all, of Goering, Hess, Rosenberg, Streicher, Frick, Frank, Fritsche, even of Schacht himself, the pro-Jewish Schacht included. Did he not say to Hirschfeld:

> "I want to the greatness of Germany, and to accomplish it I am ready to ally myself with the devile himself."

He entered into this alliance with the devil and with hell. Papen included, who sees his secretaries and friends killed around him and continues to accept official missions in Ankara, in Vienna, because he believes he can appease Hitler by serving him.

Not all are there, there are those who are dead, and those who are living; for example the industrialists who exploited the workers of the enslaved countries after having carried Hitler and his system to power by providing the money without which nothing could have been done; who carried them to power by nationalistic fanaticism as well because they expected from Nazidom the guarantee of their privileges.

Everything was connected, everything was indissolubly united because the totalitarism policy, the total war, preparation and conduct of the plan of extermination of the peoples for the conquest of space, implied a co-ordination, a close liaison between all government administrations: Police and Army, Forien Affairs, and Police and Army, Justice and Police, economics and justice, Universities and Propaganda and Police.

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And now we come to the secoudn proposition which we have to demonstrate.

The Coordination of the various departments at the head of which these men stood, implies close cooperation between them.

The Defense strives to establish watertight partitions between the different elements of the German state.

According to him, there is supposed to be a parallel without a horizontal bond between the various State and Party departments, between imdividual ministerial administrations and between individual National-Socialist organizations. They only connecting link would be the person of the Chief, at the head. According to the defense, the daminating principle of German structure would be personal union, not coordination and cooperation.

This is false. This is contrary to the principles of the Nazi State and requirments of a State in hich every force strives towards the same goal and towards the actual reality of German life as revealed by the debates.

According to National Socialist concpetion, the Party must take the place of Democracy. The Party is the political expression of the Nation, which materialises in the political action of the State carried out by the activity of its administrations. The 1 December 1933 Act proclaims, for the purpose of ensuring the unity of the Party and State, that the Party is the exclusive support of the State conception, and indissolubly unites the party and the State.

At the Party Congress in 1934, Hitler says:

> "It is not the State that created us. We create the State for ourselves. To some it may appear as the Party. to others as an organization, for yet others as something different but actually we are what we are."

The aim persued by the Party is therefore to achieve a more and more complete union between the State and the Party. This explains the legislation which makes it compulsory for the

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chief of the Party Chancery to be consulted in the appointment of ranking officials; which incorporates Party chiefs in municipal administration, integrates the SS into the Police, and assimilates the SS to police officers; makes the direction of the Hitler Youth a State department, integrates the direction of Party headquarters abroad into the Foreign Department and merges together to an increasing extent the military personnel of the Party and those of the State. General von Brodowsky's war diary, which we have submitted to the Tribunal, shows that this merger was a fact at the time of the landing in France. Hitler, however, continued to maintain the system of parallel State and Party administration, because they control and supervise each other. But he compelled both parties to cooperate closely to be certain of the effectiveness of the control.

All the defendants moreover, excepting Hess, are representatives of State departments. They cannot hide behind the might of the Party, since Party and State shared the power. The Party expresses a doctrine which must direct the action of the State, but the State in its turn alters the Party doctrine to suit itself. Many items of the Party Program dated 24 February 1920, were never carried out and fell completely into oblivion after a certain experience of power. Income other than that from labor was not abolished (item II); the trusts were not nationalized (item 13); land reform was not carried out according to the provisions of item 17 (I); property interest and land speculations remained.

Ultimately, the whole of German life was subjected to the combined effect of State and Party forces. All the State departments and Party departments contributed to the creation of its components.

Examples are plentiful and are to be found in every State department.

Let us take Foreign Affairs. It is one of the State administrations which, in its correct conception, should remain the farthest removed from any political doctrine. Not so in

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Nazi Germany. For the purpose of the extermination of the Jews, headquarters abroad cooperate with RSHA by the intermediary of the Wilhelmstrasse, as evidenced by Documents RF 12 06, 1220, 1502, 1210 and USA 433. Wilhelmstrasse officials are called upon to advise the military police and Secret State Police (Document RF 1061). It is Best, Ribbentrop's representative in Denmark, who transmits the order for deportation of the Jews to the Chief of the German Police, Mildner (Document RF 1503). Document RF 1501 shows Ribbentrop vindicating anti-Semitism to Mussolini and requesting Italian cooperation.

Ribbentrop and Kaltenbrunner are implicated in all the terrorist measures against the elites; the SD and the Wilhelmstrasse are also involved in the organization of the aggression against the broadcast station of Gleixitz in order to furnish the pretext of a Polish attack. The report of the German military administration concerning the pillage of art treasures in France incriminates at the same time the special staff of Rosenberg and the German Embassy in Paris (Document RF 1505). The Wilhelmstrasse and the army are involved with the police in the question of hostages, reprisals, and deportations. The examples could be multiplied. We do not pretend to exhaust the subject, but only to illustrate an opinion.

Let us now examine the activities of the organization Rosenberg. Rosenberg, by virtue of his function, already coordinates several branches of the German State. His service of foreign policy has been incorporated in the Ministry of Foreign Affairs. He is furthermore the philosopher of the regime, Minister for the Eastern Territories and chief of the special Staff entrusted with the control of art treasures. The SD and the secret police work in liaison with him (documents L 188 and 946 PS).

The same liaison, the same coordination must be noted in the order of the State machinery in matters concerning forced labor. All the Ministers and all the higher functionaries, like

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the Gauleiters, are involved in it, be it that they conceived or prepared the operation, or still more simply that they gave it a helping hand or that they benefited by it.

We remember the inter-ministerial meetings in Berlin on this subject, and the conference between Sauckel, Kaltenbrunner, Speer, Funk and the representatives of the OKW, which is the subject of document PS 3819, the meeting in Paris presided over by Sauckel which was attended by representatives of the army, the police and the Embassy (document RF 1517)

Economy is no longer independent. During the war there exists under Funk a close cooperation between the economic and administrative services of the army and those of economic affairs. (document RF 3bis). The Ministry of Economy appeals to the police to develop plans for the germanization of economy, (document RF 803 and 814). The Ministry of Finance subsidized the SS to carry out scientific research on the internees, involuntary subjects of abominable experiments (D.002 PS) Long before the war and under Schacht, the same bonds, first secret, later on public, and closer than any other country in the world, unite politics, finance and economy with the army. Schacht, in a speech on 29 November 1938 pronounced the following opinion on his achievement:

> "It is possible that no other issuing bank has followed in peace time such an audacious credit policy as the Reichsbank since the assumption of power by National Socialism. With the aid of this policy, however, Germany has created an armament which is the first in the world, and this armament has made possible the results of our policy....."

The judicial system is no longer independent. We find it associated with the police in the most criminal enterprises. Document PS 654 gives an account of a discussion between Thierack, Himmler and others, at the end of

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which it was decided that the anti-social elements and the internees of the concentration camps, the Jews, Gypsies, Russians, Ukrainians, Poles sentenced to more than three years in prison should be turned over to Himmler by the administration, to be exterminated by work, and that in the future individual, belonging to the same categories should not be judged by ordinary tribunals but handed over immediately to Himmler's administration.

Finally during the war the terrorist activities of the army and the police, of the State and the Party merge together. Sometimes the police is made subordinate to the army, though acting with a certain autonomy according to the orders of the RSHA. This is the case in Belgium. In France, in spite of being detached from the army, the police maintains close cooperation with it. The army participates with the SIPO, (Security Police and the SD in the persecution of the Jews, in the administration of the internment camp of Compiegne and in the designation of hostages (RF 1212 and 1212 bis) and in their execution (RF 1244). As we have seen the army and the police were accomplices in the terrorist actions against the population. The navy and the Police are also accomplices in the massacre of the commandos, and it is the police which massacres certain categories of War Prisoners, although all the prisoners without exception come under the authority of the OKW (PS 1165)

One might multiply examples of the close association of Party machinery with the State services of their coordination which at times goes so far as to result in a symbiosis. Realization of the common political idea : the conquest of space by all possible methods, is the path pursued by all, one way or another.

The cooperation of the defendants is an evident result. Apart from the definite facts of co-operation which we allege, what we know of the general functioning of this totalitarian State, bound to the destiny of the Party, its vigour against the heretics for whom camps with their gas chambers waited all that leads us to affirm that the defendants, be they Ministers or dignitaries or high functionaries with State or Party authority, together with other who are not there -dead or held for trial in other Courts, formed an entity. And this, taken altogether, was the Government of the Reich; this was the State-Party or Party-State;

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an entity, perhaps, but a conscious and criminal entity which caused the massacre of millions of human beings in order to enlarge the Reich beyond all measure.

The acts of the defendants are not only the particular ones which we analysed just a minute ago in the light of the national penal codes of their and our countries, respectively. They comprise also in their entirety those of the German State for which they acted of that German State, to which they gave life, conscience, thought, will and of which they must now assume the responsibility for the consequences, even the most extreme ones, because they could not personally disentangle themselves from these crimes.

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And this brings us to our third proposition:

The Defendants must be judged on the basis of their functions performed in that criminal policy of which they were the promoters and instruments.

Was it not Dr. Seidl who, in defending Frank, has said: (page 55)

"This is an acknowledged principle and it derives from the penal code of all civilized nations that a uniform and natural action must be appraised in its totality, and that all circumstances which might possibly enter into consideration must be examined in order to form a basis at the time of the working out of the verdict."

It is the in the political life that all the crimes of the defendants lie. They are, as we know the elements of a criminal State policy. To consider the defendants as offenders of the common law, to forget that they have acted in the name of the German State and for the account of that State, to apply a standard to them the same as that applied to hooligans or to assassins, would narrow the amplitude of the trial, would misinterpret the character of their crimes. Crimes which the Courts of our countries ordinarily adjudicate show the criminal in opposition to the social order. These are individual deeds; their range is limited; their consequences are circumscribed. Their crimes never strike more than a few victims, and it is impossible to find in the annals of our countries an example of murder methodically perpetrated by terror organizations whose victims would run higher than a few hundred people.

That is the highest price of a criminal plot within the bosom of our national Communities.

Organized, highly hierarchichal, endowed with an armed force and judicial institutions, our national communities can eliminate delinquents before they can do all the harm they are capable of.

These defendants, on the contrary, developed their criminal activity within the community of States, an unorganized world which is just beginning to be conscious of its own existence and had then neither armed power nor judges.

These defendants seized the German State and turned it into a gangster State, putting at the service of their criminal plans all the executive might of the State. They acted as chiefs or leaders of political, diplomatic, juridical, military, economic and financial staffs. The activity of these

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staffs is normally coordinated in any country since they serve a common purpose, indisputably a common political idea. But in National Socialist Germany, as we know, such coordination was reinforced by the interpenetration of party and administrative agencies. Private crimes became community crimes when committe by the State. Indeed, they were bred by the political thought of each individual: "Conquest of space at any price".

State crimes committed by any one of those who controlled a major department were made possible only because all those who controlled every other major department contributed their share. Should some of them and their departments default, it meant the collapse of the State, the annihilation of its criminal power, which was tantamount to the end of the gas chambers or to the technical impossibility of creating them. But none had either the will or the wish to default, since gas chambers and extermination to make space were the paramount idea of the system -- indeed were the system.

Is not the evidence of this unity in crime furnished by the very statements of the defendants, their constant efforts and those of their counsels to prove the autonomy of their departments and cast the Army's responsibility upon the Police, that of the Foreign Office upon the head of the Government, that of the Labor Department upon the Four-Year Plan, that of the Gauleiters upon the Generals; in short, by their attempt to persuade us that everything in Germany was run in tight compartments, whereas the interdependence of the administration and Party and multiplicity of connecting and controlling links between the State and Party prove the contrary by their clever overlapping. All French people who have lived in occupied France remember having seen on the wals of local Kommandanturs a poster depicting the bricks of a wall with the words:

"Tenco quia Tenoor"

printed over the picture. It was the whole motto of the system. A few bricks taken away were enough to make the wall crumble. None of these men have done that. On the contrary, they all contributed a brick to the edifice.

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Thus by the facts, apart from any legal notion of conspiracy, of complicity which may perhaps be subject to discussion according to the different characterisation of the jurists, we shall furnish proof of the solidarity in crime and of the equal culpability of all.

To have perpetrated the crime, it suffices for them being chiefs of high officials of the Party or of one of the main State departments and acting on the State's account, to have with the object of extending by all possible means German living space conceived, to have been willing, to have ordered or merely tolerated by their silence that treaties ensuring the independence of other countries be violated, that wars of aggression be prepared or declared, that mass murders and other atrocities be systematically carried out, that demolitions and lootings without justification be systematically committed.

This is the crime of the German Reich, and all the defendants have conspired to commit it.

We will prove this for each of the defendants by means of examples drawn from the trial. For each defendant, the three principal propositions of this demonstration will be the following:

1) the defendant occupied an eminent position in the machinery of the state and the party which granted him authority over one entire office or several.

2) the defendant acquiesced in, if he did not conceive, the idea of the government :"conquest of space by any means".

3) he has personally taken part in the development of this idea by his own activity.

As to Goering and Hess, the Court will undoubtedly excuse me from going into them at length. They were the designated successors of the Fuehrer. They belonged to the movement from the beginning. Hess took the responsibility for the racial laws. Both contributed to the government's political ideas of which in the eyes of the masses they were the living representatives. By their speeches, their lectures, they made this idea penetrate into all circles.

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Goering actively contributed and in an essential way in the military and economic preparation of wars of aggression.

Goering is the creator of the Gestapo and the concentration camps where millions of supposed enemies of the government found their death, where genocide was finally and completely consummated.

A large part of his criminal activity is connected with the implementation of the 4 Years Plan, which, proof has been offered, was intirely directed towards the preparation for war. With other, he is responsible for the deportation of workers, the brutalities exerted against them, of their allocation to sectors of production aimed against their own country. Furthermore he has taken part in the allocation of prisoners of war and political internees to works directly connected with the war effort of the Reich. He has organized the destruction of the economy and the looting of the occupied nations.

He hasalso organized, with the help of the Einstazstab Rosenberg, the looting of works of art on a large scale, often with the aim of enriching his own collections.

By decree of the Fuehrer of 21 April 1933, Hess had received full powers to decide about all questions concerning the management of the party. He participated in the preparation of laws and decrees in general, and even in the preparation of the orders of the Fuehrer. He participated in the appointment of government officials and labor office chiefs. He strengthened the hold of the party on the internal life of Germany. He had a direct influence on the army and on foreign policy. The part which he played in the development of anti-semitism implicates him in the criminal consequences of the movement.

Ribbentrop was one of the kin-pins of the party and state machine. Placed in the Wilhelmstrasse by Hitler who distrusted "old-fashioned" diplomats he worked with all his might to create diplomatic conditions favourable to the war of aggression, the essential means for realizing the conquest of space.

We recall the document submitted by our British colleagues and which establishes that Ribbentrop assured Ciano in August 1939 that Germany would make

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war even if Danzig and the corridor were ceded to her. As it has already b shown, he and his offices are involved in acts of terrorism and exterminati in the occupied countries.

Concerning Keitel, my explanation will be equally short. The conditi under which he agreed to be chosen by Hitler instead of von Fritsch and von Blomberg, to be placed at the head of the High Command of the Army and intr duced into the councils of the government, his political activity in the posts, expressed by his presence at the side of the Fuehrer in Godesberg, later on during the discussions with Petain and H rthy, expressed again by the orders he signed and of which the order for implementation of the N.N. decree is not the least famous, show that it is not just a question of a me soldier, but a politician general. His part in the arrests and massacres of patriots condemn him. Without any possible doubt he has participated in the exterminations, if only by abandoning to the police, for special treatment, certain classes of prisoners of war. Moreover, we recall the connections of this offices with the police and the armed force of the party.

(A recess was taken).

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In the year 1932 Kaltenbrunner became a member of the Party and of the SS in Austria. He became Secretary of State of the Security and the Police in Austria, afterwards Chief of Police in Vienna and Chief of RSHA (Reich Regent's Office) from 30 January up to the capitulation. During this last period he was responsible for the Gestapo, the Police, the Security Service and the concentration camps.

He was one of the most important heads of the criminal organization in realization of the policy of extermination and in accomplishing the annihilation of a race (genocide). His responsibility for the mass-murders has been established. He issued the orders of internment and execution.

"The measures of protective custody", he says, "were measures justified by the war".

He also tries to make us believe he made a stand against the application of these measures. It is impossible to believe him, We have proof that he had full power over the camps.

We are aware of Rosenberg's important position in the 3rd Reich. A Department bore his name. Moreover, he was Minister of the Eastern Territories and Propagandist. In "Blood and Honor" (Blut und Ehre) he resumed and developed the thesis of the space due to the so-called German race. He starts from the unfounded affirmations that "the irradiation of Nordism gives its entire meaning to the evolution of humanity" and that "there is decadence wherever the Nordic culture, instead of condemning the Asisties and the Jews to a permanent enslavement, mingles with these impure elements. .. He concluded by saying that the continent must be subjected to the concept of the German race "Blodd and Honour".

To bring Germany back by all possible means to her racial purity was the subject of his speech at Nurernberg in 1933. He extolled the extermination of the Jews, and we know that it was not an oratorical phrase. Besides, he wrote in a report to the Fuehrer on 11 August 1942 (042-PS):

"Instructions aiming at keeping down the number of the population of the Ukraine and at the non-application of Article 218 of the German penal Code were studied last year and resumed on the occasion of a trip of the Director of the Ministry of Health .....

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"In the Ukraine measures have been taken with a view to preventing epidemics not in the interest of other races, but exclusively for the protection of the German occupation forces and for maintaining labour in the service of the German war industry ?"

Finally he was implicated in the attack on Norway, and thanks to his special staff he proceeded to a methodical plundering of the artistic riches of Europe.

Frank is one of the very first adherents of the Party. He was its le adviser and took part in the elaboration of the program. He was also the Fuehrer's advisor. He was Minister of Justice in Bavaria, then Minister of State charged with the co-ordination of Reich Justice, and lastly Governor General of Poland. It is he who tried to give a legal shape to the State's and the Party's terroristic program of persecution and extermination. He defended the institution of concentration camps in the German "Legal Gazette" in 1936, and he proclaimed that the second fundamental law of the Hitlerite Reich was racial legislation. His personal activity in Poland contributed to the extermination of numerous Poles. He boasted about it all in his paper.

Frick was Party member since 1925 on. He became a Reich leader and afterwards Reich Director for the elections from 30 January 1933 up to 20 August 1943. He was Chief of the service for the annexation of Austria to Germany, for the incorporation of the Sudetenland, Memel, Danzig, the Eastern Territories, Eupen Malmedy and Moresnet. Moreover, he was Director of the Central Office for the Protectorate of Bohemia-Moravia, the Government-General Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all the other occupied countries. He was Protector of Bohemia-Moravia for more than one year. He was Reich Minister of the Interior since the assumpt of power, a member of the Defense Council. Being elected to the Reichstag in 1924, he proposed anti-Jewish laws. Strictly obedient, he became several time the spokesman for the political thought of the organization :

He declared among other things :

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"In National Socialist Germany, the direction is in the hands of an organized community, viz. the National Socialist Party. This latter represents the will of the nation. The policy adopted by the Party in keeping with the vital interests of the nation is at the same time the policy adopted by the country." (3258 PS)

It is he who appointed Himmler. He is responsible for the anti-Jewish legislation and finally he had sterilization applied to the descendants of coloured soldiers. Moreover he caused the lunatics reputed to be incurable to be killed.

Streicher entered the party practically as soon as it was formed. He engaged in an unrestrained propaganda against the Jews in his speeches as well as in his writings and he incited the German people to persecute and to exterminate them. He has been a Gauleiter. He does not reject anything that has been done. He stated :

"When one has known the Fuehrer as I have known him in his deepest personality as I have, and when I later learned from his testament that he knowingly gave the order to execute the Jews, well I declare that this man has a right to do so."

Funk entered the party in 1931. He had the golden badge bestowed on him. He was the head of the Reich's press, Secretary of State for propaganda. Finally he succeeded Schacht in the Ministry of the Interior in 1937. He became Plenipotentiary General for Economy and President of the Reichsbank in 1941. In 1932 he was acting as middleman between the Fuehrer and certain heads of the German industry. He took part in the meeting of the industrialists on 20 February 1933 organized by Goering in order to obtain the political and financial support of industry for the realization of the Nazi program. He stated on 4 May 1946 :

"As State Secretary for propaganda I have a formal responsibility. I have of course favoured propaganda as did all those who found themselves in position of importance in Germany, for propaganda filled and permeated the nation's spiritual life."

He asked that the Jews be excluded from important positions.

He issued decrees for the realization of that idea. He has received the de sits made by the SS of gold and valuables taken from the victims of mass exterminations. Finally, he built up the war economy and signed the secret law of 4 September 1938.

Doenitz was Commander-in-Chief of the German navy. He succeeded Hitl with Seyss-Inquart as Foreign Minister. He was a recipient of the golden party badge. His adherence to the criminal policy of the system is testifie by a speech in which he said :

"The officer is a representative of the state. The ridiculous babble about a non-political officer is plain nonsense."

He recommended the use of labor from the extermination camps in order, he said, to increase putput by 100%. He proclaimed submarine warfare witho resturctions and ordered his sailors "to be hard", and not to effect any-more rescues. He approved and extolled massacres of communists.

Raeder was Commander-in-Chief of the German navy before Doenitz. He was present at Hitler's conferences in which the latter revealed his plans. The texts were noted down in assin . He placed the navy at the Nazi re ime's service. He conducted the clandestine rearmin and c ntribu-ted in preparin the aggression against Poland, against Norway.

His contempt for international Law is well known. It is enough to qu te the memorandum of 15 September , U.K.65

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Schirach was a party member from the age of 18 years on. He joined it in 1925; leader of the Hitler Youth from1931 to 1940, Gauleiter of Vienn up tothe capitulation, he was one of the essential parts of the machine. He admits that as Gauleiter of Vienna he united in himself the powers of the State, of the city and of the party. It was he who shaped the German youth in accordance with the party's ideology and he has claimed the responsibility for the consequences of this exclusive formation. He allowed Himmler to recruit SS among the Hitler Youth.

From 1943, as he himself admits, he knew of the treatment inflicted on the Jews, but long before that he had taken a quite clearly defined stand as to this question and had conducted an active anti-semitic propaganda.

Sauckel joined the party in 1925. As Gauleiter of Thuringia, and Plenipotentiary General for labor commitment, and honorary Obergruppenfuehrer SS, he held a quite select situation in the State-Party machine.

A fiery propagandist, he delivered more than five hundred speeches all of them devoted to the development of Nazi ideology. He approved the idea of extermination and said:

> "Concerning the extermination of asocial element, Goebbels finds that the idea to exterminate them by work is far the best." (682-PS)

Again he stated:

> "....The Fuehrer stated that we had to revise our school conception about the migration of people .... it is the Fuehrer's wish that hundred years from now 250 million people of germanic language be settled in Europe." (025-PS)

He took personally an active part in the preparations for the extermin tions and he declared the following on this subject the 28 May 1946:

> "One can only obtain results in production by employing labor economically."

Not counting the millions of citizens of other countries, he forced nearly two million Frenchmen to collaborate in the war by their toil. To recruit them he used force and the intervention of the police, the SS and

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the Army. In document PS-827 he states:

> "I have charged a few intelligent men with special executive missions for the workers under the direction of the supreme chief of the SS and of the police. I have armed and trained a certain number of them, and I must ask the Armament Ministry for the necessary muntions for these men....."

Such a declaration reduces to zero the insinuation of Speer's counsel that the French population accepted willingly their forced labor in Germany.

Alfred Jodl was chief of the operations staff of the OKW. He had the entire confidence of the Fuehrer to the same extent as Keitel (3798-PS) He participated in the drafting of the successive plans of aggression. Encouraged to serve Hitler by the presence of such conservatives as Neurath, Papen, Schacht, at Hitler's side, he transmitted the 22 March 1943 order concerning the expulsion of the Jews from Denmark and their internment in Germany. He also insured the execution of Hitler's order concerning the annihilation of commandos of 18 October 1942.

He participated in the discussions which led to the measures against flyers who had been forced down. He signed the notice of the High Command of the Army concerning the fight against the guerillas, notice which contained regulations contrary to the rules of humanity.

Von Papen prepared Hitler's accession to power. The constitution of his Cabinet on 30 May 1942 was contrary to the normal procedures of parliamentary institutions. On 2 June he ordered the dissolution of the Reichstag and at the same time gave free course to Hitler's terrorism. On the occasion of an interview with Hitler in June 1932 he said:

> "I have accepted the demands of Hitler --
> Namely the right of the SS and SA to wear uniforms."

At the same time Papen had no illusions as to the consequences for his party of the Hitlerian disturbances which he had himself released. But he preferred Hitler to demonracy. After the elections of 30 July he endeavored to induce Hindenburg to tolerate Hitler and he succeeded in doing so during the month of November.

He permitted the invasion of civil service by Nazi civil servants.

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Sir David Maxwell Fyfe reminded us of Von Papen's vindication of National Socialism in Essen in November 1933.

With regard to the racial problem, Von Papen took a very favorable attitude in his speech at Gleiwitz in 1934. I quote:

> "Surely nothing can be said against racial research or against the care given to the race all of which has tended to safeguard the characteristics of a people as much as possible...."

We allknow what this care consisted of.

Papen served the Party-State administration with utter servility until the capitulation, and his activity was not interrupted, neither by the assassination nor the imprisonment of his collaborators and friends which the State and Party were guilty.

Seyss-Inquart became a member of the National Socialist Party on 13 March 1938. He occupied various positions within the core of the party or in the state civil service, and finally became Assistant Governor of Poland, then Reich Commissar for the Netherlands.

He declared, and I quote from document 2219-PS:

> "I attach myself with indomitable tenacity to the goal in which I believe: the greatest Germany and the Fuehrer. (Excerpt from a letter of Seyss-Inquart to Goering on 14 July 1939.")

In a speech of January 23, 1939, document 3640-PS, he said:

> "....the task of a generation, that is to say the vital force of a people, is considered by us as the creation and the security of the Lebensraum of the cultural and economic blood of that nation...."

And he also said:

> "....as the task of a whole generation, the entire territory of the Vistula and not only the present gain in the East should be settled by Germans .... the present Slovakia, the present Hungary, the present Roumania, must be reorganized The situation appears to me to be ripe....I believe that we should obtain in a short time a single German administration for this entire territory."

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This is a passage from a letter of Seyss-Inquart to Bormann of 20 July 1940 - 3645-PS.

Seyss Inquart endeavored to realize the great political idea of the party: conquest of space at any price. He used all his resources for theannexation of Austria, of which he was a native. He admits that he worked for 20 years to realize the idea of the Anschluss. And we have the proof of his collusion with Konrad Henlein for the reunion of the Sudeten territory with Germany. Finally, in Holland he bound that country politically and economically to the Reich. Furthermore, he is personally responsible for the systematic pillage suffered by Holland, for the deportation of part of the population and for measures which provoked famine.

Speer became a member of the Party in 1933. He was appointed by Hitler's personal architect, and in this capacity he came into very close contact with the Fuehrer. As chief of the Todt Organization from February 1942 on. Munitions Chief in the Four Years Plan since March 1942, Minister of Munitions since September 1943, he was one of the high ranking officials both in the State and in the Party. Speer exploited more than a million men in the Todt Organization, and in 1943 more than 50,000 deported Frenchmen in the territory of the Ruhr alone. He is responsible for the maltreatment of foreign workers in German factories, particularly in the Krupp plants. He employed more than 400,000 war prisoners in the armament industry. His delegates were authorized by the OKW to go to the camps and to select skilled workmen. He exploited the labor of the concentration camps, more than 32,000 men, as he has himself admitted. He visited Mauthausen and shared theresponsibility for the deportation of Jews into special working camps, as well as the 100,000 Hungarian Jews whowere assigned to aircraft factories.

Von Neurath, who had been Minister for Foreign Affairs since 1932, remained in this office when the Nazis seized power in 1933. He continued occupying this post until 1939 and was, together with his services, gradually absorbed in the growing State Party Machine. As a member of the government from the very outset, he was familiar with the political ideology of the movement. If he claims to have been radically upset in 1937 when he learned that Hitler was planning aggression, he nonetheless remained in his office

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and did nothing to dissuade Hitler. On the contrary, it was his favourable opinion that encouraged Hitler to militarize theleft bank of the Rhine, which constituted the first stage in the war of aggression for the conquest of space. He remained Minister of the Reich up to the end .... His presance encouraged conservative Germany to cooperate with Hitler. King pin of the Party State machine, von Neurath was closely connected with this machine in the crimes of extermination of which he had full knowledge.

....On 31 August 1940 von Neurath transmitted to Dr. Lammers two Notes Verbales, the one drawn up by him, and the other by his secretary of State Frank, both of which advised the total germanization of Bohemia-Moravia and the elimination of the Czech intelligentsia. One of the two reports contains the following lines, and Von Neurath accepts the full responsibility for it since he transmitted it:

> "As regards the future organization of Bohemia-Moravia, all considerations should be based on the goal set for this territory, from the political and national-political angle. From the political angle there can be but one goal: the total incorporation into the Greater German Reich; from the national political angle, the settling these territories completely with Germans. A brief survey of the actual position as it presents itself from observations and experience gaindd since the annexation in regard to the political and national-political angle, indicates the path to be followed in order to reach the clear and unequivocal goal; .... Things present themselves in such fashion that a decision must be taken on the fate ofthe Czech people so that the objective, which is incorporation of the country and populating it with Germans, might be achieved quickly and as completely as possible." (Document 3859-PS)

Fritzsche served the Party before it came to power, but he did not join until 1933 and quickly turned into a remarkable propagandist. In the course of the war he became the head of the Radio Service, of the Reich. Expressing the great idea of the system, he inci ted to the massacre of the Jews.

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Moreover, his repeated speeches endeavored to implant into the German people's minds the idea that the Jews and Democracy endangered its very life, and that it was to yield itself without reserve to the men whom Providence had sent to govern them.

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Schacht's position is something special. On his case I shall go into greater details. He presents himself here as the victim of the System and pretends to be surprised to find himself here at the side of Kaltenbrunner, w was his gaoler. Schacht told us that the program of the Party did not appeal to him. Still, during the Session of 21 May, 1946, former Minister Severing declared that he had learned from a communication of the Berlin Police that Schacht had been holding conversations with the Nazi Chiefs. He added that Schacht's relations with plutocracy and with militarism impressed him as most compromising, and that he himself would not have wished to join the same Cabinet as Schacht.

We know that as early as 1930 Schacht had established contact with Hitler bringing to him his credit both in Germany and abroad. National Socialism benefited from this in a considerable measure.

At the rally of the National Front as Harzburg, in October of 1931, Schacht took his seat by the side of Hitler, Hugenberg and Seldte. He had already attempted to brin Hitler into the Bruening Government. Schacht organized the financing of the decisive elections of March 1933 in the course of a reunion of the leadin industrialists in Goering's home, on which occasion Hitler delivered a speech. USA 874. From the moment of the seizure of power, Schacht played an outstanding role in the machinery of the Party and of the State. He became President of the Reichsbank and Minister of Economy. On 19 January 1939 he left the Reichsbank, but he became Minister of State and held that post until 21 January 1943. Clever, subtle and knowin how to hide his thoughts behind irony or insolence, he never committed himself completely, but it is also established that he persistently demanded extension of vital space for Germany. When he tried to put people on the wrong scent by speakin of colonial claims and the remark was made by his interlocutors that considering world conditions no possession of colonies could assist Germany in solving her domestic problems, he neglected to answer He knew how to use threats towards Democracies and even resorted to blackmail when remarkin on a Party success durin a visit to America. He stated:

"I warned in the clearest possible language by saying : if you in foreign countries do not change your policy towards Germany, there will very soon be many more members and adherents to Hitler's Party."

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He also said :

"This is all quite clear : we ask for more space in order to feed our people".

What part did he play in the development of this criminal policy ?

As soon as he came to the Reichsbank, a huge program for financing public works was launched; new railroads, motor highways, all of them works of strategic interest. Moreover, an important portion of the credits was secretly used for purely military purposes.

From 1935, on, rearmament was speeded up under the vigorous impulse of new financial measures devised by him. The academic and upright economist turned into an adventurer in order to carry into being the grand idea of the party. By means of accommodation drafts : the M E F O drafts, rearmament was financed. Issued on a drawee who had provided no cover, a Society created to serve the purpose, the drafts had blank endorsement by a second similar Society ....

When issuing the first draft the drawer annexed extension drafts calculated in such a way that the last became due in January or March 1942. When looking back, the selection of that date attains full significance. The year 1942 was the time appointed by Schacht for the term of his swindle. He hoped that by then the war would help him to solve the problem. The original draft was discounted by the Reichsbank. The bills were not subject to fiscal law in order to prevent the evaluation of the volume in circulation by means of the modifications in the yield of the taxes. The operations were veiled in the utmost secrecy. All the available credits in marks were engaged by the Reichsbank in these armament drafts as far back as 1935. At the end of 1938 there were 6 million M E F O drafts in the assets of the Reichsbank and 6 million to discount, of which 3 million were short term. At the due date, Schacht could not but be aware that there were only three possible solutions:

1) Consolidation of the debt by foreign loans, but these would be refused of course to a nazified and overarmed Germany;

2) an inflation comparable to that of 1923 but this would have meant the end of the regime;

3) War.

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The importance of the re-armament financed by Schacht up to 31 December 1938 is shown by the calculation made by us and by Mr. Gerthofer of our delegation in particular (we annex his report hereto.) Let us not forget that Hitler, in his letter of 19 January 193[illegible] to Schacht , wrote to the latter : "Your name will above all and for ever be connected with the first period of national re-armament".

From 1 April 1935 to 31 December 1938 the expenditures for Germany's re-armament which we can now discover although part of them are missing, amounted to three hundred fortyfive million four hundred and fifteen million francs. During the same period France spent only thirty five milliard nine hundred and sixty four million francs. This was Schacht's work and only his work. Such a discrepancy shows quite clearly what Schacht's aim was. In 1940 the same proportion was found again on the battlefields of France : ten German armoured divisions against one French.

The retirement of Schacht from the Reichsbank or from the Ministry of Economics can in no way militate in his favour. Difficulties arose between Goering and him in regard to the carrying out of the Four Year Plan. Schacht did notwish to be subordinate to Goring. He resigned from the Ministry f Economy on 26 November 1937, but remained President of the Reichsbank and Minister without Portfolio. On 7 January 1939 he handed Hitler a memorandum in which he established that the volumen of the MEFO drafts in circulation through his own fault was becoming a menace to the currency. Technically his position at the Reichsbank had become impossible. The causes therefore underlying his departure were questions of economic organization, not political reasons. He, however, remained Minister without Portfolio. He resigned this post only in January 1943 at the time of the Stalingrad defeat, when the Party-State machinery as well as the Reich were beginning to break down. Evidently he was of no more use them. but it is equally evident that he might have become useful again later on as negotiator of peace.

Is the balance of his political descent due to the intrigues we can now guess at of Hitler's advisers. Was it machiavelism on his part or was it bad luck ? It is of little importance. This nefarious man who succeeded in rounding up and in handing over to

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Hitler all the financial and industrial pangermanist powers, who helped Hilter to seize power, who by his presence inspired confidence in Nazi Germany, who succeeded through his financial wizardry in providing Germany with the most powerful war machine of the time, and who did all this to enable the Party-State machine to rush to the conquest of space, this man was one of those mainly responsible for the criminal activities of the Party-State mcahined. His financial cleverness was that of the Nazi, State, his participation in the crime of that State is beyond doubt. It is capital. His guilt, his responsibility are complete. With regard to the last of Hitler's confidents, Bormann, we know that he assumed the responsibility of the liquidation of the Jews. There is no need to say anything further.

I am now through with the demonstration of each defendant's guilt, not that the subject is exhausted, but the time allotted by the Court for each Prosecution expound his address to the Court only allows us to prepare the draft of a working plan, deserving of systematic execution. The example illustrating our thesis could be multiplied. All the facts submitted during the last nine months by the four delegations fit without any effort within our plan, and this single fact proves that our logic is unimpeachable and conforms strictly to reality..

Thus we consider that the proof has been furnished that all these men have been a party to the crime of the German State. That all these men were, in fact, united in the pursuit of the same political purpose and that all of them have in one way or another participated in the greatest crime of all: genocide, the extermination of the races or people from which they intended to conquer the space they deemed necessary for the so-called Germanic race.

We have all heard the objections raised by the defense counsels. Dr. Seidl stated them most forcibly (on page 25 of his speech on behalf of Frank).

> "The law in force starts from the fundamental principle that the subject of International Law is solely the sovereign state and not the single individual...."

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In conclusion he denies you the right of sentencing these men. First let us say that not one of the defendants was the "single individual" that Dr. Seidl speaks about. We think that we have demonstrated their co-operation and their solidarity, strengthened by the Party system veyond the usual intercourse between the Ministers and the principle administrators of any democratic country.

Let us yet observe that it seems intolerable for any sensitive conscience to assure immunity to the men who have lent their intelligence, their good will to the "State" entity, to slaughter as is the case, millions of human beings in the execution of a criminal policy long since decided on. The principle of State sovereignty which might cover these men seems to be only a mask. Remove this mask, and the man's responsibility reappears! Maitre Seidl knows it was we do. But he states "Such is the International Law in force". What a respect on his part for the law in force, and how surprising in his mouth the words which follow. A few moments later, examining the Hague Conventions of 1907, which, let us remember, have not been denounced by any of the signatories, not even by Germany, he satisfies, under stress, that, inspired by the experiences of the ward of the XIXthe century, they are no longer valid in the XXth. Modern wars would have broken through the limitations foreseen by the Hague Conventions, and he states further:

> "One cannot make use of the modalities of the Hague Convention regarding land warfare - even in the wides sense and with an adequate adaptation to found thereon a personal penal responsibility".

Thus for Dr. Seidl, International Law is static when he belives he can draw favorable conclusions therefrom, but this law is also in the process of evolution when it condemns his client.

Such dialiectics are very weak, which make use of paralogism and are fallacious. Maitre Seidl is well versed in the art of sophism; but he convinces no one.

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The immunity of the Chiefs of State and of their associates was hardly conceivable when they accepted the principle of the submission of wars to the restrictions and rules of common law, conventions and the rights of people.

This immunity becomes intolerable, as soon as they free themselves of every rule, and under pressure of the universal conscience an evolution of international custom takes shape against it. I have already shown in concluding my statement in February last, I will not revert to that point. It should be enough to add that the Charter of 7 August 1945, considering thwe work of the different commissions of war crimes of 1940 at the capitulation, maintained the conclusions of a Frenchman M. de Lapradelle at the 1919 War Guilt Commission. It is because of their acts committed on behalf of the German State that the defendants are arragned before you - and if it is necessary that law should reinforce the authority of custom, the Statute of London, drawn up in accordance with the significance of the evolution of common law in course of formation, justifies still more our study of the defendants' responsibility in regard to the crimes committed for such a State. Article 6 of the Charter concerns only with crimes committed for such a State.

The impression from the final pleadings is given that most of the Defense Counsels put all their hopes on a narrow juridical or pseudo-juridical reasoning.

Numerous questions were debated. Are there just and unjust wars, defensive wars and wars of aggression, is there, yes or no, a world-wide juridical conscience, are there unequivocal criterions of aggression? This is what makes the defense anxious, not knowing to what extent it is expedient to punish those who have collaborated in the machinery of extermination.

When the Defense Counsels speak of "law in force" it is to deny to this Tribunal the right to condemn, and Dr. Jahrreiss denied all authority to the law"such as it should be conceived" inthe light of morality and progress (page 3). All forget that the law in force is not only the law of the past, the only one which they invoke, bu that the law in force is also the one that the judges invoke in a concrete manner from

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the Bench. All forget that jurisprudence evolves with the times. There where there is no written law, one can only speak of the preceding tendencies and find out if they are still valid and can be invoked. In any case, the charter must be applied.

But let is now follow this any further. We would ourselves confuse the issue.

The sole fact of this trial, the fact that dominates all others, is the one of the methodical, systematic extermination of all the men who occupied the space coveted by Germany.

Other crimes have not certainly been committed, but only as means to the end. One is tempted to say secondarily and accessarily, so much is one overwhelmed to such an extent by the atrocity of the final crime.

One should be impressed by this atrocity, one should understand well the danger that such a precedne is created for humanity and therefore demand adequate punishment.

These men's crimesis not a simple one, we have already shown that. The common criminal knows his victim, he sees it. He strikes him himself and knows the effect of his blow. Even if he is only an accomplice he is never, morally and psychologically, sufficiently far removed from the chief perpetrator not to share to a certain extent his apprehension and reactions when the blow is delivered and the victim falls.

Committed by the State machine, murder, or any other crime, becomes anonymous. Nobody bears the chief responsibility. Everybody shares it, those who, by their present maintain and support the administration, those who conceived it, those who willed it, as well as he who issues the order. As for the executioner, he repeats to himself: "Befehl ist Befehl", "An order is an Order" and he carries out his killers task.

Those who decide do it without shuddering. They have perhaps, not an accurate, concrete idea of the consequences of their orders. Thus the amazement of some of the accused in the few minutes after the showing of the film about the camps must be understood. As for those who promote the execution of the crime by their general cooperation in the work of Party and State, these have the feeling of being passive witnesses of a scene in which they are no concerned. Indeed, there is no

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there is no punishment to be feared. In the German scheme the State and the Party are strong, and determined to remain so for a thousand years. They have destroyed Justice.

In the International scheme, too, the prevailing code ensures immunity or at least is believed to ensure it. Moreoever, there exists no permanent international jurisdiction that can stand up against gangster States. As for the possibility of a military failure, nobody stops to consider it in view of the seemingly thorough precuations taken. It is in fact remarkable that the culmination of the massacres coincided with due consideration for the delay necessary for the operation of the gas chambers, with the period in which the State and regime believe in the certitude of victory, or have not yet taken the omens of defeat seriously. It is really the perfect anonymous crime as imagined by the French moralist when he propounded the case of the mandarin as a test of moral conscience. And conditions were all in favor of absence of reaction. The facts have demonstrated that none of these men felt a decisive recoil in these conditions.

Most of them, indeed, feel that they had played a part in the tragedy. They have, I think, been more intent on relieving their conscience than on attempting to deceive their judges by casting their guilt on their neighbors. Few of them have had the courage to acknowledge, as did Schirach and Frank, that they were components and part of the whole system, and as such could not evade their responsibility. At the rist of letting the guilt fall upon the German people which proved incapable of rejecting their evil master, the others excused themselves. They attempt, in the exposition of their case, to minimize responsibilities in the hope of conjuring them away, but since it is true, as was stated by Severing and previously by the Mayor of Oranienberg, and the Mayor of Buchenwald and was confirmed by Frank, that it was whispered all over Germany that people died in camps as everybody now knows, do they hope to make us believe that they alone were in ignorance thereof?

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The less guilty among them, if one can establish a hierarchy among "major criminals", did not dare to object, but their criminal cowardice had such appalling consequences that there cannot possibly be any extenuation of penalty.

As we see now, State-committed crime in a regime where State and Party are one, and where there is no popular control through lack of freedom of thought, freedom of expression and lack of free elections, State-committed crime is of all crimes the easiest to commit subjectively speaking. Moreover, the technical progress made the world over has put almost every natural force at man's service His capacity for evil has been considerably increased thereby.

Moral restraint has meanwhile been slackened by the pursuit of materialisti gratification which is also the corrupt fruit of material progress unbridled by intellect.

In general, criminality seems to increase in every state despite the highly improved methods of repression. In the international scheme the process is similar. It is only on a larger scale, because so far there have been no means of repression on an international scale. Industrial revolution and the development of natural sciences have multiplied the virtual power of States. If the State concentrates in its hands natural wealth in its exploitation, if it accentuates its grip upon credit by monetary manipulations, increase of taxation multiplication of free or forced loans; and still further bind the populations to its fate by the development of public charity: control thought by radio propaganda; use to this end eloquent propagandists capable of stirring blind mob passions within the most scattered and the most peaceful of men; if this State at the same time annihilates in its opponents every mode of expression, prevents all popular control, all, including private, criticism it becomes a despotic ruler holding in his hands tremendous means of action for better or worse. Every criminal technicality is within its reach and it can make use of them without restraint, unless, Gentlemen, you insert the element of sanctions in International Law. It must henceforth be possible to put an end to the criminal activity of a gangster State through the power of a super - State organization directed by a legal institution of the same kind, otherwise the freedom of nations is doomed. The weapons of revolt fell from their hands the day when States and States alone could possess methods of destruction against

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which the courage of citizens remains helpless. Operated by a small number of men devoted to the criminal regime, these arms which are the property of the States can drown in blood the slightest attempts at resistance, and if revolt against tyranny remains the most sacred of duties, such revolt is now hopeless. This is the danger, and Germany succumbed to it. It is true that favourable conditions were present there all at the same time. Under the impulse of the industrial revolution which ever since 1850 was more violent in this country than in any other, a sweeping change in social standards has taken place, the population meanwhile changing from rural and agricultural to urban and industrial. From this, there resulted in a lowering of the spiritual level with disastrous consequences, since the bourgeoisie had received no political education under the Empire. Deliberately kept away from public affairs by the past rulers, the German masses, where the industrialist upper class and proletariat are concerned, were interested only in the economic development of the Reich, and where the middle class is concerned, only in the Army and in the future of the Reich. When, after the first war, the Germans were forced to suffer the disillusionments of defeat; when, in a common and embittered environment all the rancour and resentment as described by defendant Goering at the beginning of his testimony was added thereto as well as the bitter feeling of material and social downfall; when in particular youth strove to materialize its hopes into a concrete reality, Pangermanism then awoke, was spread, popularised and came within the reach of all the dissatisfied. At the same time, the old antithesis between vitalism and intellectualism, between culture and civilization, healthy eagerness and decadent lassitude, the cult of life and the cult of intellect has been awoken and crystallized for the use of simple and puerile brains in the form of the dynamic antithesis between the Nordic Aryan and the Semitic Jew. Appropriate education has easily imposed this biologic materialism. The ground had long been ready. The German is particularly attracted to inculcated doctrine because it alone can make up for the lack of personal, independent discipline which is characteristic of him on the intellectual and moral plane. He loves anything that can be recited as a creed simultaneously admitted by everybody, and as a stereotypes phrase easy to make use of on all occasions. Young Germans therefore learned for their Abitur

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examination the six races allowed by Guenther in the same way as they learned Grammar, and did not dream of doubting the former any more than they doubted the latter. And when the German mind reproached nations as lively, as attached to their soil, to their tradition, to their supple and varied human culture, such as England and France, contenting themselves with a miserable and artificial intellectualism, while it reproached them with the crime against life (and Dr. Stahmer was the echo thereof) - the German mind created for itself, as a result of the coarse and facile instructions it claimed to inflict upon all, an intellectualism different to ours in its danger and artificiality. The aim of these so-called ethics of Life was a practice and a doctrine of pure collect social pseudo-scientific, biological - materialistic opportunism. This aim wa the sterilizations, the physiological experiences in the camps, and 15,000,000 persons dead. The reflection of the old French thinker flashes irresistibly through our minds at this result: "Science without conscience is but ruin of the soul" - Neo-Machiavellism, of which Goering gave an example in his statement took root .....

I read lately in a final pleading somewhere that right in itself does not exist, and that the search for the boundaries between right and wrong is determined by historical and national standards (Dr. Nelte). Hitler had already said: "That which is right is that which is profitable to the nation" and Frank paraphrased thus the testimony of his Defense Counsel, "What is profitable for the people is right. The common interest has priority over the individual interest". While reading this, I think of the answer which would have been given by the absolutist Bossuet, who knew how to determine the human measure. (The Defense Counsel compared French absolutism with Nazism: Here is the answer

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" Politics sacrifice the individual to the common weal, and this is right to a certain degree. It is good that one man die for the people. By that Caiphas understood that an innocent person could be sentenced to the supreme penalty under the pretext of the common weal, which is never allowed, for, on the contrary, the innocent blood cries for revenge against those who shed it."

We are aware of what could be the result of the Nazi precepts. The witness Roser related the words of this young German soldier, who, after having described the mass murders in a ghetto, concluded: "Ah, my dear Friend, it was horrible, but .... an order is an order". The Tribunal will find at the end of document F-655 which is in one of the Document Books submitted by the French Delegation, Kramer's terrible reflection. Before being Commandant of the Bergen-Belsen concentration camp, Kramer commanded the Natzwiller camp in Alsace, where he himself asphyxiated eighty persons by gas, the proof of which has been given. To the question: What would you have done ifall of them had not been dead?", he answered: "I should have tried again to asphyxiate them by injecting a second dose of gas into the room. I felt no emotion at all while accomplishing these acts, for I had received the order to execute the eighty internees in the way I explained you. After all I have been trained in that way What a terrible charge against the system! Before being assasin by order, this man had been a book-keeper at Augsburg. How many peaceful accountants trained in that way are left in the Germany of to-day? and now "the innocent blood cries for vengeance."

You know the crime! You know why and by what means it was perpetrated! The heinous crime without precedent is that of the National Socialist "State-Party", but the defendants in their capacity of chiefs of the National Socialist Party and the great State officials, have all accepted major responsibilities in the conception and perpetration of this crime. Their participation in the crime of the "State-Party" is their personal error which is covered by no immunity whatsoever! and the proof of it has been given for all time.

They must be punished; you are also aware of the dangers to which the world is exposed by their crime, the miseries, the misfortunes it spread among mankind.

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You must hit hard, without pity! Let your verdict be just, that is sufficient! To be sure, there are shades in their guilt. Does it follow that the penalties themselves must be caried, if even the least guilty as we think deserves the death-penalty? To-morrow, whence this international trial will be closed and these principal war criminals sentenced, we shall go back to our own countries where, before our own Tribunals we shall perhaps have to prosecute those who merely executed the orders of the National Socialist State, those who were only executioners.

But how could we then demand the death-penalty for another Kramer, for another Hoess, for the camp commandants who have on their conscience millions of human creatures by order, if today we hesitate to claim the supreme penalty against those who were the instruments of the criminal State, the State which issued the orders.

Moreover the fate of these men lies entirely with your conscience! This is beyond our competence, our task is finished. Now, it is for you in the silence of your deliberations to listen to the innocent blood crying for justice.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, July 29 1946)

THE PRESIDENT: I call on the chief prosecutor for the Union of Soviet Socialist Republics.

GENERAL RUDENKO: My Lord, your Honors :

We are summing up the results of the legal proceedings against the major German war criminals.

During nine months, all the aspects of the case and all the evidence, presented to the Tribunal by the Prosecution and by the Defense , have been subjected to the most meticulous and detailed examination.

Not a single point of the deeds with which the defendants have been accused, has been left without verification, not a single significant circumstances has been overlooked during the investigation of the present case.

For the first time in the history of mankind criminals against humanity are being held responsible for their crimes before an International Criminal Tribunal; for the first time, nations are trying those who had inundated vast expanses of the earth with blood, who had annihilated millions of innocent people, destroyed cultural treasures, who had made a system of massacres tortures, extermination of aged people, women and children,who had made a wild claim to the mastery of the world and hurled it into an abyss of unheard-of calamities .

Indeed, this trial is the first of its kind in the history of justice. A Tribunal sits in judgment, a Tribunal created by the peace-loving and freedom-loving countries, who represent the will of and who defend the interests of the whole progress-loving mankind, for mankind does not wish the recurrenc of calamities, which will not permit a gang of criminals to carry out with impunity their preparations for the enslavement of nations and the extermination of peoples, prior to putting their heinous plans, into effect.

Mankind calls the criminals to account; and on the behalf of mankind we, the prosecutors, accuse at this trial.

And how pitiful are the efforts to dispute the right of mankind to judge the enemies of mankind, how vain the attempts to deprive nations of the right to punish those who made the enslavement and the extermination of peoples -their aim, and who for many years strove to realize this criminal aim

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by criminal methods.

The present trial is being conducted in such a manner that the defendants who are accused of the most heinous crimes, are given all the possibilities for a defense, all the necessary legal guarantees.

In their own country, the defendants who stood at the head of the Government, destroyed all legal forms of justice, and discarded all the principles of legal proceedings accepted by civilized mankind.

But they themselves are being tried by the International Court in accordance with all legal guarantees and they are assured of all their defense rights.

We are now summing up the results of the legal proceedings, we are drawing conclusions from the evidence examined before the Court; we are considering all the data upon which the accusation is based.

We ask : were the charges put against the defendants proved before the Court; has their guilt been established ?

To this question, there is only one answer : the legal proceedings ful confirmed the charges.

We incirimnate the defendants only of those facts which have been fully established and proved to the Court beyond all doubt, whilst all the monstrous crimes have indeed been proved, crimes which were prepared over a period of many years by a band of wild criminals, who seized power in Germany, and who perpetrated these crimes during many years, having no regard for the principles of law or the most elementary standards of human morality.

These crimes have been proved; the defendants' testimonies and the arguments of the defense have been powerless to contend the charges; they cannot be contended because it is impossible to contend the truth, and truth is the lasting result of this trial, the unfailing issue of our long and stubborn efforts.

All the elements of the charges have been proved, It has been proved that there existed a common plan or conspirancy for the preparation of aggressive wars, in violation of international law, the planned enslavement and the extermination of peoples, in which the defendants took part.

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There can be no doubt as to the existence of such a plan or conspiracy just as there is no doubt about the leading part played in it by the defendants.

This point of the accusation is confirmed by all the data brought in during the legal proceeding, by irrefutable documents, by the testimonies of witnesses and of the defendants themselves.

All the activity of the defendants was directed towards the preparation and the initiation of aggressive wars. All their so-called "ideological work consisted in the cultivation of beastly instincts, in the intillation of the absurd idea of racial superiority in the conscience of the German people and in the practical realization of the plans for extermination and enslavement the peoples of "inferior"races, who were supposed to serve as a fertiliser for the growth of the "master race". Their"ideological work" consisted in calling to murder, to plunderm to the destruction of culture, and the extermination of human beings.

The defendants prepared these crimes long in advance and then committed them, attacking other countries, seizing foreign territories, exterminating people.

When was this plan or conspiracy conceived ?

Of course, it is hardly possible to give an exact date, day and hour, on which the defendants conspired to commit their crimes.

We cannot and shall not establish our conclusions and assertions on guesses and suppositions, but it must be considered as established beyond doubt that from the moment when the fascists seized power in Germany they started the realization of their aims and utilized this power for the preparation of aggressive war. Indeed, immediately, after their seizure of power the fascists began to carry out a huge program of rearmament and reconversion of economy for war purposes.

All the activity of the defendants was directed towards the preparation of Germany for war.

This rearmament and reconversion of economy for war purposes is an irrefutable fact; it has been proved by documents and admitted by the defendants themselves.

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We may ask, what was this war for which the defendants began to prepare immediately after the seizure of power ? Could this be a defensive war ? But nobody intended attacking Germany; nobody had such an idea, and in my opinion such an idea could not have even existed.

As Geramny was not preparing for a defensive war and in as much as the very fact that she did prepare for war is established it is evident that she was preparing for a war of aggression. That is the logic of the facts and such are the facts themselves. Germany initiated and waged the war which she had been preparing, and the events of 1937-1939 were that for what she had been preparing in 1933.

Hence we may conclude : the plan or the conspiracy existed at least since 1933, i.e., from the moment when the Fascists seized the power and used it for their own criminal purposes.

These are the facts which are confirmed by the words of the defendants themselves uttered at a time when they did not suppose that they ever would b defendants in this dock.

It is enough to mention the addresses of Schacht, Krupp and others in which they describe how the Fascist Government was preparing for war and how all the fields of political and economic life were subordinated to this one purpose.

I consider fully proved the charges against the defendants to the effect that in 1933 when the Hitlerites seized the Power in Germany they created a plan or conspiracy including the perpetration of crimes against peace, war crimes and crimes against humanity.

The legal proceedings have fully proved the crimes against peace perpetrated by the defendants which consists in planning, preparing, initiating and waging aggressive wars, in violation of international treaties, agreements and assurances.

The facts here speak for themselves; wars which involved innumerable victims and destructions; wars, the aggressive nature of which has been undoubtedly established.

The guilt of the defendants in having committed crimes against peace has been fully proved.

H0191 - 0061

The charge of perpetrating war crimes, in waging war by methods contrary to the laws and customs of war, have been fully proved.

Neither the defendants themselves, nor their counsel, could contest the very facts of their having committed these crimes.

All that they could say to this, was that the efendants themselves had not committed these atrocities the extermination of people, "murder vans" and concentration camps; they had not destroyed the Jews with their own hands, and had not even known about such particular facts. But that such facts existed the defendants themselves do not deny.

The defendants admit these facts.

This is indeed fruitless method of defense !

Certainly, the defendants occupying high leading posts in Hitler's Germany wer in no need of shooting, hanging, smothering, freezing live people themselves, by way of experiment.

Their subordinates did that according to their insturctions; henchmen did, so to say, the dirty work whilst the defendants only had to give orders which were unwaveringly obeyed.

Therefore, the attempts of the defendants to deny their connection with the henchmen, to separate themselves from them, were hopeless.

This connection is evident and indisputable. If the Commandant of Auschwitz Rudolph Hoess, pulled out the golden teeth of the dead, we may say that the Reichsminister, Walter Funk, opened special safes in the cellars of the Reichsbank to keep these golden teeth in.

If the subordinates of Kaltenbrunner exterminated people in "murder vans", the vans themselves were built at the works of Sauer, Daimler and Wenz, which were subordinated to the defendant Speer.

If the prisoners of war were destroyed by professional henchmen of the unit "Toten Kopf" (Death Head Unit) and by the guards of the camp, the orders to exterminate were signed by Fieldmarshal of the German Army, Keitel. That is to say, the defendants appointed the terms of extermination, the date and issued the orders to create a special technique of murder, explained the reasons for the right of the master races to exterminate "inferior races."

H0191-0062

For every murder, for every drop of innocent blood shed by Hitler's henchmen the defendants are responsible, for between them and the direct perpetraters of the crimes, murderm torture, there is a difference only in rank and scope of action; these were direct henchmen, and these are the principal henchmen the chiefs of the henchmen, henchmen of a higher grade. They are far more dangerous than those trained in the spirit of hatred towards humanity and wild fanaticism, whom they now repudiate in order to save themselves. The criminality of the defendants in the perpetration of war crimes, has been fully proved; that they initiated a system of exterminating war prisoners peaceful inhabitants, women, old men and children; it is their fault, that wherever the German soldier stepped, there lay heaps of murdered and tortured people, ruins and places left barren by fire, land desecrated and soaked with blood.

H0191-0063

The crimes committed against humanity have been completely proved. We cannot omit the crimes committed by the defendants in Germany during their domination: the extermination of all those who expressed their discontent in any way with the Nazi regime; slave labor and extermination of people in concentration camps, mass extermination of Jews, and the same slave labor and extermination of people in the occupied territories. All this has been proved and the charges are irrefutable. What means of defense have the counsels used? What kind of proofs and arguments could they give to refute the charges?

The arguments of the defendants may be divided into two main groups. First, a number of witnesses summoned by the defense counsel. These witnesses had to extenuate the guilt of the defendants with their evidence, to diminish the part taken by them in committing the crimes, rehabilitating them by all means.

These witnesses themselves were in most cases defendants in other trials.

How can we speak about the objectivity and authenticity of the evidence given by the witnesses of the defense, if the innocence of the defendant Funk should be confirmed by his deputy and accomplice, a member of SS since 1931, Heller, bearing the rank of Gruppenfuehrer SS; if the criminal Rainer, member of the Fascist Party since 1930, and Gauleiter of Salzburg, and then of Kaernten was summoned to give evidence on behalf of Seyss-Inquart?

These so called witnesses, such as for instance Buehler - the right hand of the defendant Frank and accomplice to all his crimes, or Bohle, one of the principal leaders of the spying activities of the Hitlerites abroad and chief of the foreign section of the fascist party, came here in order to commit a perjury to try to protect their former " bosses" and to save their own lives.

Nevertheless most of the "witnesses" for the defense during the cross-examination, became witnesses for the Prosecution.

H0191-0064

They were themselves convicted by the "mute witnesses" - documents mostly German; they themselves were forced to expose those whom they had intended to protect.

Another means used by the defense - are the legal arguments and considerations.

The accusation in the present trial is based on an enormous quantity of irrefutable facts and strongly established on the principles of law and justice. Therefore, already in the opening speeches for the Prosecution, so much attention had been paid to the legal aspect of the responsibility of the defendants.

In the speeches of the defense a number of legal questions were again raised:

a) Of the importance of the principle "Nulla crimen sine lege"

b) Of the importance of the order

c) Of the responsibility of the State and individuals

d) Of the concept of conspiracy.

In this connection I consider it necessary to return again to some legal questions in order to answer to the attempts of the defense to confuse the simple and clear statements and to transform legal argument into a kind of smoke-screen in an effort to conceal from the Tribunal the gruesome reality of the fascist crimes.

The defense attempted to deny the accusation by proving that at the time when the defendants were perpetrating the offenses incriminating them, the latter had not been foreseen by the existing laws to be crimes, and therefore the defendants bear no criminal responsibility for them.

I could simply refer to the principle "Nulla Crimen Sine Lege", as the Charter of International Military Tribunal, which is an immutable law, and which provides that this Tribunal "shall have the power to try and punish persons, who, acting in the interest of European Axis countries, whether as individuals or as members of organization" committed any of the crimes enumerated in Article 6 of the Charter.

H0191-0065

Therefore from the legal point of view, sentence can be pronounced and carried out without requiring the deeds incriminating to the defendants to have been foreseen by the criminal law at the time of their perpetration. Nevertheless, it is without doubt that the deeds of the defendants at the time when they were being committed were criminal acts from the point of view of the existing criminal law.

The principles of criminal law contained in the Charter of International Military Tribunal are the expression of the principles contained in a number of international agreements enumerated in my opening statement of 8 February 1946 and in the criminal law of all civilized countries.

The law of all civilized countries imposes criminal responsibility for murder, torture, violence, plunder, and so on. The fact that these crimes have been initiated by the defendants on a scale surpassing human imagination and bearing the marks of unheard of sadistic cruelty, does not of course exclude, but on the contrary, increases many times the responsibility of the defendants.

If the defendants had committed the crimes on the territory and in respect of the citizens of any country, according to the Declaration of the Heads of the Governments of USSR, Great Britain and United States of America, published on 2 November 1943, and - in full agreement with the universally accepted principles of criminal law, they would have been tried in that country and according to its laws.

This Declaration set forth that "the German officers, soldiers and members of the Nazi Party who were responsible for the above-mentioned cruelties, murders and executions, or who voluntarily took part in those, would be deported to the countries where these gruesome crimes had been committed, in order to be tried and punished according to the law of these liberated countries and free governments which would be established there."

H0191-0066

Nevertheless, the defendants are war criminals "whose offenses have no particular geographical location" (Article 1 of the Agreement of the Four Powers of the 8 August 1945), and, therefore, the International Military Tribunal, acting in accordance with the Charter, is competent to try their crimes. The Counsel for the defendant Hess took the liberty to assert that there can be no doubt that the crimes against peace, as they are stated in Article 6, Paragraph 2, of the Charter, do not exist.

It is not necessary to make any reference here to the international agreements.

They are charged with deeds which civilized humanity long ago recognized as criminal.

B. Execution of an Order

Some of the defendants in their statements before the Tribunal attempted to present themselves as poor dwarfs, blind and obedient executors of another's will - the will of Hitler.

In the search for a legal basis for this attitude, the Defense Counsel Jahrreiss spoke at length about Hitler's order. In the opinion of Counsel Jahrreiss Hitler's order was quite different from the order of any other leader; Hitler's order was an act "legally immutable". Therefore, Counsel Jahrreiss asserts that: "Whatever the Charter understands by the orders which it rejects, as a factor excluding criminal responsibility, is it possible to take the same attitude towards an order of Hitler? Could this order be considered as an order in the meaning of the Charter?"

The right to interprete law is an irrefutable right of all lawyers, including the Defense Counsels. Nevertheless, it is incomprehensible what logical or other methods were guiding his assertion that the provisions of the Charter specially elaborated for the trial of major war criminals of the fascist Germany, did not indeed aim at the very conditions of the activity of these criminals.

H0191 - 0067

What orders then, issued by whom and in what country, are contemplated by the Charter of the Tribunal?

It is, on the contrary, indisputable that the authors of the Charter were fully aware of the specific conditions existing in Hitlerite Germany, were thoroughly familiar, by means of the material of the Kharkov and other trials, with the attempts of the defendants to hide themselves behind Hitler's orders, and it is for this very reason that they made a special provision to the effect that the execution of an obviously criminal order does not free from criminal responsibility.

C Responsibility of countries and individuals.

We think that the very authors of this attempt to hide a large group of ministers, Gauleiters and war commanders behind Hitler's back, became to a certain extent, doubtful of the convincing power of such a defensive manoeuvre, and a new line of defense was set up to assist this manoeuvre.

"If the German Reich began an attack in spite of the still-existent non-aggression pact" - said the counsel Jahrreis, "then Germany committed an international offense and must answer for it according to the principles of international law ... the Reich alone, but not an individual person."

We cannot, in the first place, omit to notice that the above point of view is not exactly new: even before the beginning of the official defense at this trial, certain unofficial defenders of war criminals willingly propagated the version to the effect that it was the German government and the German nation, who were be bear responsibility for the criminal aggression and war crimes and not individual persons.

H0191-0068

When the subject of international law, i.e. a state, violates the principles of international law, this entails certain consequences of an international character, but in no case does it entail the criminal responsibility of the state.

Any action on the part of the state in the sphere of international relations is committed by physical persons, by officials and by the agents of that state.

In carrying out such acts, these individuals may be guilty of the most varied offenses in violation of either the common or the criminal law.

In the latter case, i.e. when their individual criminal responsibility is involved, they bear this responsibility in appropriate cases, in conformity with the laws and before the courts of their own country, as well as - if such is the case - in conformity with the laws and before the courts of a foreign state.

In the present case, not only did the Hitlerite State violate principles of international law, resulting in measures taken against the states, but also some individuals, in committing these acts, have personally committed criminal offenses, for which they bear the criminal responsibility in accordance with the Charter before the International Military Tribunal.

Concerning the concept of conspiracy

The defense counsels are unanimous in trying, by different ways and versions, to dispute the charges of criminal conspiracy made against the defendants. Extracting from various sources one-sided and selected definitions of the conspiracy, the counsels have tried to prove that Goering, Hess, Ribbentrop and others cannot be considered as accomplices of the conspiracy.

I should like to quote here several arguments proving the groundlessness of the statemens of the defense.

The conspiracy implies the existence of a criminal society created and acting to achieve common criminal purposes. Such a society doubtlessly existed. I stands to reason that in this case the threads and levers uniting the members of this conspiratory criminal society are very complicated, as

H0191-0069

the conspirators had seized the government of a country.

In any criminal society, and particularly in a numerous society with many ramifications, single accomplices commit criminal acts comprised by the general plan of the conspiracy, but they can practically remain unknown to a number of the members of this society. Nevertheless, as these crimes result from a single criminal plan, common to the whole society, the accomplices who have not personally committed these separate criminal actions and were not practically informed of them, bear the responsibility for them.

In this special case the existence of the conspiracy is not precluded by the circumstance that, for instance, Schirach could be unaware of some of the measures taken by the slave trader Sauckel or the "pogrom maker" Streicher. Neither is the existence of the conspiracy precluded by the differences of opinion among individual accomplices of the conspiracy concerning particular questions such as the intrigues of Goering against Bormann etc.
Such dissensions may take place in any band of robbers or thieves, but the gang does not cease to exist on account of this.

In nearly every society there exists a certain hierarchy among its members. Very often the head of a criminal band usurps the unlimited power over the other members of the band, even the very right of life and death.
However it seems that it never occurred to any lawyer in the world to deny the existence of a criminal society only because its accomplices were not alike and one of them had power over the others.

It is at any rate strange to deny the existence of the conspiracy in the present case on account of the indisputable fact that great personal power was concentrated in the hands of the ring leader - Hitler. In the same way the existence of the conspiracy does not preclude, but on the contrary it implies, a definite distribution of the parts played by the accomplices of the criminal group, when achieving the common aim (one coordinates the entire criminal activity, the other is in charge of the questions of ideological training, the third one prepares the army, the fourth organises the work of the war industry, the fifth carries on the diplomatic preparations, etc.) Therefore, the Fascist conspiracy does not cease being a conspiracy, but is a conspiracy

H0191-0070

which presents special danger, because the whole machinery of the state and enormous resources of men and material are in the hands of the conspirators. In the hands of the international criminals, in the hands of Goering, Keitel and other defendants, the enormous fources of people become an instrument of very great crimes.

This is the reason why these special traits that distinguish the conspirators of Fascist Germany from any other gang lend it a special dangerous character without changing the legal character of the conspirary.

Thus I complete the analysis of the legal arguments of the defense, which were examined in detail by my honorable colleagues. As you have seen, your Honors, the arguments of the defense were found to be inconsistent and incapable of refuting the charges.

Now I shall consider the question concerning the guilt of individual defendants.

INDIVIDUAL RESPONSIBILITY

GOERING

In Hitlerite Germany the defendant Goering was next in importance to Hitler himself. He was his first successor. He took upon himself extensive powers, and seized the most responsible posts.

He was the President of the Cabinet of Ministers for the Defense of the Reich, he was the Fuehrer for the direction of German economy -- the Plenipotentiary General for the Four Year Plan and the Commander-in-Chief of the Airforce. The main point is that this extensive field was utilized by him and all his forces were dedicated to the organization and the realization of the crimes which are set out in the Indictment.

As we already know, the essential element of this conspiracy consisted in the submission of Europe prior to world supremacy of the Hitlerite Germany, regardless of any methods, however inhuman and criminal.

S-39 USA 18 To achieve this aim, a way had to be cleared, as Hitler declared already in February 1933 at a conference with the prominent German industrialists, and the Parliament system must be destroyed.

Goering took upon himself this task. He exterminated ruthlessly the

H0191-0071

political opponents of fascism, and for this purpose carried out mass arrests of the members of political parties unfavourable to the nazism.

He organized concentration camps, where he interned without trial all people who disagreed with fascism. He created the Gestapo, which from the day of its birth established a bloody regime of terror. He demanded of all the officials in the camps and the Gestapo to hesitate before nothing - and savage punishments of the people, mutiliations and massacres, became - under his direction - the elementary working methods.

PS 2324 USA 233

It is he, Goering, who declared: "Each bullet fired from the pistol of a policement, is my bullet, and if anyone calls it murder, this means that I have committed murder" (from Goering's book 'Rebirth of a Nation'--published by him in 1934).

He thus cleared the way for fascism, and paved the way for the unhampered progress and the realization of the fascist conspiracy.

PS-3442 USA-576

Goering was tireless in his efforts to abbihilate everybody and everything which hampered the consolidation of this conspiracy. And Hitler praised him for this. For example, on 13.VII.1934 he declared to the Reichstag that Goering: "... with his iron fist smashed the attack against the national-socialist state before it could take force".

All this terroristic activity of Goering's was calculated to clear the way for the realization of the fundamental idea of the fascist conspiracy, i.e. the conquest of Europe, and to achieve world supremacy of the Hitlerite Germany.

The legal proceedings have proved Goering's guilt in the planning and the preparation of aggressive wars by the Hitlerite Germany.

Numerous documents havebeen presented to the Tribunal, testifying to the

PS-3441 USA 37

active part played by Goering in the initiation of aggressive wars. I shall remind you of Goering's declaration in 1935 at a conference of the Luftwaffe officers. At that conference he declared that it is his intention "to create the Luftwaffe which shall strike the enemy as an avenging blow. Even before the attack, the enemy must feel that his cause is lost", and this intention, as we know, he put into effect, preparing for war from day to day.

H0191-0072

At the conference of the leaders of German air industry, on 8 July 1938, Goering hints that war is near, and that, if Germany come victorious out of it, she will be the most powerful state in the world, dominating the world market and she will become rich. To attain this objective "We must be prepared to take risks". Such was the slogan which Goering threw on that occasion.

P-140 USA-160

On 14.X.1938, not long before he presented demands to Czechsslovakia Goering declares that he has began carrying out a vast program in comparison with which previous undertakings were insignificant. "In the shortest possible time, the Luftwaffe must be increased fivefold; the Navy must be rearmed at a much greater speed, and the Army must be rearmed much more extensively ... especially as regards the heavy artillery and the heavy tanks. At the same time, the production of war materials and explosives must be intensified.

PS-1301 USA-123 Trans. Evn.Sess. 23.XI. 45, page 18.

PS-447 USA-135 1185-PS

The active participation of Goering in thepreparation for aggression against the USSR has been established beyond all doubt.

USA-141

The Tribunal will find proof of Goering's active participation as early as November 1940 in the development of a plan for the attack against the USSR, in the record of the conference of 29 April 1941 on the organization of economic staff "Oldenbourg", in the record of the conference which took place on 23 February 1941 at the house of General Thomas, as well as in the testimony of Goering himself during the session of 21 March 1946.

It was Goering who, together with Rosenberg, Keitel and Bormann, at the conference with Hitler on 16.7.1941, gave concrete form to the plans for the dismemberment of the Soviet Union, the enslavement of its peoples and the plundering of its riches. The plan to "level Leningrad to the ground and hand it over to the Finns" was conceived with his participation. It was he who recommended that hangman of Koch for the post of Reichskommissar for the Ukraine, as a "personality with great initiative and good training".

L-221 USA-317

H0191-0073

Therefore, it can be considered that the guilt of Goering in the planning and the preparation of aggressive wars by the Hitlerite Germany has been fully established, and for this he must bear responsibility.

My colleagues have already drawn the attention of the Tribunal to the criminal treatment of the prisoners of war.

I shall only remind the Tribunal the testimony given by the witness Moris Lamp during the evening session of 25.1.1946, concerning the executions of Soviet, British, French and other officers in the Mauthausen camp, the extermination camps of Auschwitz and Majdanek, the Notes of People's Commissar for Foreign Affairs of USSR, Molotov, of 24.XI.1941 and 27.VI.1942, presented to the Court, concerning the monstrous treatment inflicted by the German military authorities on the Soviet war-prisoners, for which Goering is personally greatly responsible. I shall also remind about the depositions of the witness Halder on 31.X.1945 which described the conference at Hitler's office on the non-application of the Hague convention with respect to the treatment of Russian war-prisoners and the order issued from Hitler's headquarters on 12.5.1941 concerning the treatment of captured Russian commanding officers and political workers.

USSR-341
PS-884
USA-351
PS-1191
Trans Mn.sess. 13.2.46 pp 30-32

H0191-0074

All these facts of crimes, established beyond doubt before the Court, have no need for further clarification, as the Defense was unable to advance in their statements any arguments refuting them.

SR-89 In the "12 Commandments for the behaviour of the Germans in the East" of 1 June 1941, the sixth commandment reads as follows:

> "You must clearly understand that for a whole century you are the representatives of great Germany and the standard-bearers of national socialism in new Europe. You must, therefore, with full conscience of your worth, carry out the most ruthless and most cruel masures which shall be requested of you by the State."

The initiation of the systematic persecution and extermination of the Jewish population, is connected with the name of Goering.

It was he who signed the misanthropic Nurnberg decrees, the decrees for the expropriatition of Jewish property for the imposing on the Jews of the penalty of 1 billion and other decrees; such activity was in full keeping with the whole world of Goering's cannibalistic conception of the world.

S-3458 USA-588 Trans. Evens. 7.1.46 page 21 At the trial Goering denied that he was an adherent of the racial theory whilst in 1935, he made a speech before the Reichstag in the defense of the Nurnberg racial provocators. On that occasion, he loudly declared:

> "...God has created races, He did not will equality and for this reason we reject energetically every attempt to pervert the idea of the purity of race ..."

Numerous documents presented to the Court by the Prosecution, expose the criminal activities of Goering in respect to other nations.

EC-410 USA-298 Goering's order issued on 19 October 1939 demonstrates clearly the attitude of the defendant towards the Polish people, the Polish State.

In an order relating to the economic policy in the East, issued on 23 May 1941, just before the attack on the USSR, Goering writes as follows on the attitude towards the Russians:

EC-126 USA-316 USSR-93 USSR-36 USSR-60

> "Germany is not interested in maintaining the productivity in this territory. She is supplying food only to the troops stationed there .... The population in those regions, and

H0191 - 0075

especially the urban population, is doomed to starvation.

It will be necessary to deport this population to Siberia."

USSR-93
USSR-36
USSR-60 In his capacity as Plenipotentiary for the Four Year Plan, Goering is responsible for the plunder and the spoliation of state property and personal property of the citizens, carried out by the nazis on occupied territories of the USSR' in Czechoslovkai, Poland, Jugoslavia, and other countries. It was indeed Goering who headed the activity of the nazi conspirators directed towards the economic plunder of the occupied territories of the USSR.

1157-PS
USA-141 A conference in connection with the elaboration of economic measures according to case Barbarossa took place on 29 April 1941, prior to the treacherous attack against the USSR. As a result of this conference, there was created the economic staff of special purpose "Olderbourg" which was subordinated to Goering. The creation of special economci inspectorates and units in the largest centers of the USSR was planned; they were to handle important tasks for the utilization and the plunder of Soviet industry and agriculture.

USSR-89 The file of the district agricultural fuehrer contained instructions to agricultural fuehrers, who were given full freedom in the choice of methods for the fulfillment of their criminal aims. The demand for ruthless treatments of the Soviet peoples, and, in the first place, of the Russians, the Ukrainains and the Byelorussians, were put forward.

USSR-2
USSR-9 The report of the USSR Extraordinary State Commission on the crimes committed by the Hitlerites in Kiev, in the region of Stalin and other places, states that these criminal plans of the defendant Goering and his accomplices were for the greater part realized.

To secure the necessary manpower for the German war industry and agriculture, and at the same time for the purpose of physical extermination and the economic weakening of the enslaved peoples, the defendant Goering and his accomplices in the nazi conspiracy, utilized the labour of foreign workers.

L-79
USA-27 The utilization of forced labour had been planned by the Nazis even before the war. It is sufficient to remind you of the conference at Hitler's office, which took place on 23 May 1939, and in which the defendant Goering also took part.

H0191-0076

USSR-10 At the conferences of 7 November 1941 and in his order issued on
USSR-386
USSR-379 10 January 1942, Goering demanded of all the departments subordinated to him, the securing of necessary manpower for theGerman industry, at the expense of the population of the occupied Soviet territories.

On 6.8.42 Goering held a conference with the Reichskommissars for the
USSR-170 occupied territories and the representatives of military command.

Addressing himself to the participants in this conference, Goering said:

> "You are being sent there not to work for the welfare of the peoples entrusted to you, but for the purpose of squeezing out all that is available ....
>
> You must be like hounds, where there is still something left. I intend to plunder and to do it efficiently."

These intentions were carried out. Goering plundered; the Reichsministers plundered, and Reichskommissars for the occupied territories plundered; the representatives of military command plundered, beginning with generals and ending with ordinary soldiers.

Suchwas the activity of the defendant Goering.

There is not a single measure executed by the fascist party, not a single step taken by the Hitlerite Government, in which Goering did not participate.

He participated actively in all thecrmies of the fascist gang and for all his deeds he must be duly punished.

HESS

The defendant Hess occupied a leading position among the Nazi conspirators from the very beginning of the Nazi empire.

Trans. evon. s. 7-2-46 p. 37-38
312-PS
USA-952 It was Hess who had beenthe leader of the Fascist organization, of the University of Munich, It was he who had participated in the Munich Putsc It was he, who, together with Hitler had worked at the Bible of Fascism - "Mein Kampf", carrying out the duties of Hitler's private secretary. It he who had beem president of the Central Political Commissio n of the Fascist Party, and it w s he who had carried into effect the bestial policy of the Fascist cutthroats as "Deputy-Fuehrer" after the seizure of power.

H0191-0077

It was indeed Hess to whom, according to Hitler's decree of 21 April 1933,"the full right was given to take decisions on behalf of Hitler on all questions concerning the leadership of the party."

IS-3196, trans. even. s. 7-2-46 p. 38-39

After this, Hess continued to take over one new post after the other in Hitler's government. After 1 December 1933 he was Reichsminister without portfolio "to secure close collaboration of the party and shock troops with the civil authorities; on 4 February 1938 he was appointed member of the secret council; on 30 August 1939, member of the Cabinet for the defense of the Reich, and on 1 September 1939 Hitler declared Hess as successor of Goering. Hess was also appointed Obergruppenfuehrer SS and SA.

Transc. even. s. 7-2-46 p. 42 37-38 1395-PS GB-252 1389-PS GB-249 2018-PS GB-250

By the Decree of 27 July 1934 Hitler obliged all leaders of all the departments and ministries of Germany to present projects of laws to Hess for preliminary sanction.

D-138 USA-403 D-139 USA-404

Hess had to select and nominate leadership corps of the Fascist cadres. This is testified to by Hitler's decree of 24 September 1935 and by other documents submitted to the Tribunal by the Prosecution.

IS-3180 trans. even. s. 7-2-46 p. 49-50

We must take special notice of the active part played by Hess in planning and carrying out aggressive wars. All the aggressive actions of Hitler's Germany had been planned and prepared with the direct assistance of Hess and the party machinery of the Nazi was subjected to him.

Already on 12th October 1936 in his speeches made in Bavaria, Hess appealed to the German "to use a little less fat, a little less pork, fewer eggs....". "We know", said Hess, "that the foreign currency that is saved in this way, goes for armament. And the slogan of the day is 'Cannons instead of butter.'"

M-102 GB-260

Hess spoke about this on the eve of his flight to England on 1st May 1941, speaking at the Messerschmitt factory when he made an appeal for the continuation of an aggressive war.

M-105 GB-261 transc. even s. 7/11/46 page 56

Together with Hitler, Goering and other leaders of the Nazi conspiracy, Hess signed the decrees concerning the annexation of other territories seized by the Germans.

Trans. even. s. 7/11/46 page 65

H0191-0078

PS-3179
USA-200
Transc.
even. s.
7/11/46
p. 53-54

The misanthropic Nurnberg laws, for the publishing of which the defendant is also responsible, contain a special provision authorizing Frick and Hess to issue the necessary decrees to carry these laws into effect. Hess signed the law on the "protection of race and honour", the decree of 14 September 1935 deriving the Jews of their right to be employed at public offices, and also the decree of 20 May 1938 extending the Nurnberg laws to Austria. The question of the part played by Hess in organizing a network for spies and terroristic groups abroad, in creating SD (Security Service) and recruitment of SS units has been sufficiently elucidated at this trial.

Transc.
even s.
7/11/46
p. 56-61

The very position occupied by Hess in the Fascist Party and Hitler's Government shows the active leading participation of the defendant in the preparation and realization of the common criminal plan of the Fascist conspirators, consequantly an enormous share of the guilt and responsibility for the crimes against peace and for the war crimes and the crimes against humanity.

M-102
GB-254

Your Honours, in order to evaluate more correctly the importance of the criminal activity of the defendant Hess as one of the notorious leaders of the Nazi Party and Hitler's Government, I shall remind you of the article in the newspaper "National Zeitung" of 24 April 1941, dedicated to Hess:

> "Many years ago, it was before the beginning of the war - Rudolf Hess was called "the conscience of the Party". If we inquire why this honorable name was given to Fuehrer's deputy, it is not difficult to answer this question: There is not an event in our public life that is not connected with the name of the deputy Fuehrer. He is so versatile and singular in his work and in his field of activity, that they cannot be described in a few words ..., Many measures carried out by the Government, especially in the field of war economy and in the party were realized entirely by the deputy Fuehrer.'

Transc.
even. s.
22 March
1946

Hess refused to give explanations to the Tribunal. His Counsel Seidl declared with false pathos that Hess considered the present Tribunal incompetent to judge the German war criminals .... and immediately afterwards without a pause he presented proofs in defense of Hess.

H0191 - 0079

Transc.
f 11-30
1945
p. 57-58

Hess even tried to declare himself insane to avoid the merited punishment. But when Hess convinced himself that such a maneuvre would not help, he was obliged to tell the Tribunal that he had simulated loss of memory, that it had been a trick of his and he had to admit that he bore full responsibility for all that he had done and signed together with the others.

Thus this clumsy attempt of Hess to avoid the responsibility was fully exposed at the trial and Hess must suffer punishment to the full extent, for his participation in the common plan or conspiracy for committing crimes against peace, war crimes and the most heavy crimes against the world and against humanity, committed by him together with the other defendants.

BORMANN

The name of Martin Bormann is closely connected with the setting up of Hitler's regime. He wasone of thse who committed the most outrageous crimes, aiming at the annihilation of hundreds of thousands of people.

Together with the defendant Rosenberg, Bormann carried on a propaganda of racial theories and persecutions of Jews with cruel perseverance

Numerous instructions were issued by him aiming at the discrimination of Jews in Hitlerite Germany, which afterward had such a fatal effect and resulted in the annihilation of Jews. By this activity of his, he won the confidence of Hitler, he was "authorized to represent the party in the field of government activity" (regulations and orders of the party chancellory v. II p. 228) and he did represent it.

Thus, as chief of the party chancellory, he directly participated in the annihilation of Jews, Gypsies, Russians, Ukrainians, Poles and Czechoslovaks.

NSDAP under his leadership became a police organization, in close contact with the German secret police and SS.

Bormann not only knew of all the aggressive plans of Hitler's Government, but also took an active part in realizing them.

He made full use of the entire party machinery of NSDAP to realize the aggressive plans of Hitler's Government, and appointed the party

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Gauleiters as Plenipotentiaries for the Reich defense in the regions of their activity.

The NSDAP party machinery and Bormann personally, took an active part in all measures of the German military and civil authorities for the inhuman exploitation of war prisoners.

This is proved by the murderous instructions and directions issued by Bormann.

H0191 - 0081

The materials of the Prosecution and the legal proceedings have now established the scope of the mass annihilation caused by the bestial ill-treatment of the prisoners-of-war.

The party machinery and the defendant Bormann, personally took a direct part in the measures of Hitler's government connected with the deportation of thepopulation of theoccupied territores for slave labor.

The secret deportation of Ukrainian girls to Germany for forced Germanization, was carried out with Bormann's approval.

By Hitler's order of 18th October 1944, Bormann and Himmler were entrusted with the leadership of the "Volkssturm" consisting of all men

PS-3018 from 16-60 years of age, capable of wearing weapons.

On the eve of the collapse of Hitler's Germany, Bormann headed the under-ground organization "Wehrwolf" for divertionist and subversive activity behind allied lines.

USA-690 Bormann took a direct part in plundering historical treasures and
1690-PS treasures of culture and art in the occupied territories.

In 1943 he made a suggestion to intensify the economic plunder in the

USA-692 occupied territories.
061-PS

Such are the crimes of the defendant Bormann, Hitler's closest collaborator, who shares the full responsibility for the numerous crimes of Hitler's government and of the Nazi party.

RIBBENTROP

Joachim von Ribbentrop was not only one of the principal instigators and leaders of the foreign policy of Hitlerite Germany, but he was also one of the most active participants in the criminal conspiracy.

Having officially entered the Nazi Party in 1932, the defendant however, contributed to the seizure of power by the Nazis, before

2829-PS this actually occurred, and he became shortly the official advisor
USA-5 of the Party, inasmuch as he was the "collaborator of the Fuehrer on matters of foreign policy.

H0191 – 0082

Ribbentrop's promotion is indissolubly connected with the development of the Nazi conspirators' activity which was directed against the interests of peace.

In his testimony, Ribbentrop declared: "He (Hitler) knew that I was his loyal collaborator". That is why on 4 February 1938, Hitler made the convinced and faithful nazi-Ribbentrop, theofficial leader of foreign policy, a post which was one of the most important levers for the realization of the entire Nazi conspiracy.

Session of 2.4.46, transcript page 19 (evening)

However, Ribbentrop did not limit his activities to the field of foreign policy. As member of the Hitlerite Government, the Reich Defense Council and of the Secret Council, he participated in the solution of all the innumerable problems connected with the preparation of aggressive wars. That is why he, Ribbentrop, although he was Minister for Foreign Affairs, took part in thes olution and realization of prlblems, but faintly relevant to foreign policy, such as the utilization of manpower in wratime, the organization of the concentration camps, and so forth. In this connection, it should be noted that Ribbentrop signed a special, large-scale agreement with Himmler on the organization of a common intelligence service.

Transcript ev.session 2.4.46, pp 6-8 USSR-120

Ribbentrop became Reich Foreign Minister precisely at the outset of the realization of the plans of aggression, which visualised the submission of Europe to Germany. This coincidence is no accident, Ribbentrop was considered, not without reason, as the most adequate person for the realization of this criminal conspiracy, he was preferred even to such an expert in matters of foreign provacation as Rosenberg, upon which the latter made an official complaint, not without some reason. And Hitler was not mistaken in his choice, for Ribbentrop fully justified his confidence.

As early as 12 February 1938, a week after his nomination, Ribbentrop - together with Hitler and the defendant Papen, who for a long time prior to this date had been directing the diversionist activity of the

H0191 – 0083

of the Nazi agencies in Austria, participated in a conference at the Obersalzberg.

At this meeting he addressed an ultimatum punctuated by threats, to the Austrian Chancellor Schussnigg and the latter's Foreign Minister Schmidt, demanding their agreement to sacrificing the independence of Austria, and this object was attained.

As Minister, Ribbentrop was present at the conference of 28 May 1938, during which a decision was made for the execution of plan "Gruen" -- the plan for aggression against Czechoslovakia.

In conformity to the Nazi tactics of weakening their future victim by striking at the home front, Ribbentrop constantly kept a close contact with and gave material assistance first to the German Sudeten party, and then to the Slovak nationalists, with the object of attaining an internal split and fratricidal war in Czechoslovakia.

Having seized Czechoslovakia, the Nazi conspirators, and Ribbentrop amongst them, began to make preparations for and to realize the next aggressive act, which had already been outlined by them in their criminal plan against peace, -- the attack on Poland.

Being compelled -- because of the recently realized annexation of Austria and Czechoslovakia, to conceal temporarily the further intentions of Germany, Ribbentrop personally, and through the agaency of his diplomats, endeavoured to allay the vigilance of the European states, by making hypocritical declarations to the effect that Germany had no further territorial demands.

Doc. 2530-PS GD-36. Transcript Morn.session.6.12.45 Pages 6-7

On 26 January 1939, in Warsaw, the Foreign Minister of fascist Germany, Ribbentrop declared: "that the consolidation of friendly relations between Germany and Poland on the basis of existing agreements, constituted the mostimportant factor of German's foreign policy".

A very short time elapsed, and Poland experienced the value of these assuranges of Ribbentrop.

I will not dwell here on the perfidious part played by the defendant Ribbentrop in the German aggression against Denmark, Norway,

H0191-0084

Belgium, Holland and Luxembourg, for my colleagues have already dealt with this matter convincingly enough...

The defendant Ribbentrop personally participated in the commission of aggression against Jugoslavia and Greece.

Reverting to his favourite method of giving false guarantees in order to conceal the future aggression, defendant Ribbentrop assured Jugoslavia in April, 1938, that after the Anschluss Germany's frontiers with Jugoslavia were considered as final and unalterable.

1719-PS
2B-58
(Transcrips)
7.12.45
Afternoon
Session
p. 6.

At that time manifold preparations for aggression were being carried out with the assistance of the defendant Ribbentrop. On 12 and 13 August 1939 at the conference of Hitler and Ribbentrop with Ciano at Salzburg an agreement was reached concerning the liquidation of the neutrals one after the other.

With the direct and immediate assistance of the defendant Ribbentrop the Nazi conspirators planned, prepared and carried out the treacherous attack on the USSR on the 22nd of June 1941.

USA-135,PS-447
USA-31,PS-446
USSR-263
USSR-149
USSR-156

The defendant Ribbentrop himself admitted here, in the Court room that at the end of August and the beginning of September 1940, i.e. at the time when the elaborate plans of the plan "Barbarossa" was being carried out as it is evident from the depositions of General Warlimont, General Mueller and Fieldmarshal Paulus the defendant Keitel was discussing with him the question of attacking USSR.

The activity of the defendant and the ministry directed by him, played a primary part in the organization of war against the USSR with the participation of Finland.

2896-PS
USA-155

Already after the beginning of the aggression of Germany against the Soviet Union the defendant Ribbentrop continued to apply his effort to attract new accomplices to Germany's side. Thus in a telegram to the German Ambassador in Tokio of 10th July 1941 he said: I beg you to try all means at your disposal to influence Matzuoka in order to make Japan start war against Russia as soon as possible. The sooner -- the better. The final aim should be that Japan and we shake hands

HO191-0085

on the Siberian railway before winter comes on."

As it has been established at this trial Ribbentrop together with the other defendants was preparing the policy of extermination and plunder, planned by the Hitlerites and then applied it in the temporarily occupied territories of Soviet Union. The defendant, Rosenberg who was elaborating the plans of exploitation of the occupied territories in Eastern Europe, held a conference on this question with OKW, the Ministry of Economics, Ministry of the Interior.

H0191-0086

1039-PS
US-146
Transcript
10.12.45
morn.sess.
p.38

In his "Report about preparatory work on the Eastern-European question" he wrote: "As a result of the negotiations with the Ministry of Foreign Affairs, the latter appointed General Consul Mr. Brotigham as their representative to Rosenberg. Defendant Rosenberg's Office.

Thus it is indisputable that Ribbentrop not only knew about the preparation for the military attack on USSR, but that he, together with the other conspirators, had planned beforehand the colonization of the territory of the Soviet Union, the enslavement and extermination of the Soviet citizens.

Transcript
2.4.46.
afternoon
sess.
p.13

The defendant was compelled to admit that he had known the notes of the Public Commissar of Foreign Affaris V.M. Molotiv concerning the atrocities of the Hitlrites in the temporarily occupied territories of the Soviet Union. He, as well as the other conspirators, had also known the other declarations of the Chief's of the Allied Governments concerning the responsibility imposed upon the Nazi Government for committing the monstrous atrocities in the occupied countries.

Tr.27.3.46
morn.sess.
pp.53-54.

von Ribbentrop, as the witness for the defense the former Secretary of State at the Ministry of Foreign Affairs confirmed, had been one of the initiators and was intended to be nominated honorary member of the International Anti-Jewish Congress which the Germans supposed to convene in July 1944 in Cracow.

Tr.2.4.46
morn.sess
p.6

Ribbentrop himself admitted at the Trial that he had negotiated with the Governments of European countries about the banishment of the Jews.

(3688-PS
RF-502)

According the record of Ribbentrop's conversation with Horty "The Minister of Foreign Affairs declared to Horty that the Jews should be either exterminated or sent to concentration camps. There could be no other decision".

This sufficiently confirms the fact that Ribbentrop was aware

H0191 - 0087

of the existence of the concentration camps through he tried hard to prove the contrary.

Ribbentrop lent his support to other Nazi leaders and above all, to the defendant Suackel, in deporting the inhabitants of the occupied territories for forces labor in Germany.

Besides, defendant Ribbentrop, by carrying out the common plan of conspiracy including the destruction of the national culture of the peoples of the occupied territories, took a most active part in plundering treasures of culture, which are the common property of all nations.

In order to carry out this task, and on Ribbentrop's instructions, a "Battalion of Special Service" had been created at the Ministry of Foreign Affairs, which, during the whole war, followed the advance units, requisitioned and deported to Germany all kinds of treasures of culture from the occupied territories in the East, according to the directives of Ribbentrop.

Thus the defendant Ribbentrop took part in the seizure of power by the Nazis, played a leading role in planning, preparing and waging aggressive plundering wars; together with the other conspirators, he participated, according to the Fascist plans in the leadership, when committing most heavy crimes against the nations, whose territories had been temporarily occupied by the Hitlerite invadors.

THE MILITARY GROUP

Several of the defendants in the dock at this major War Criminals Trial may be said to form a military group. If we do not include Goering who represents a peculiar figure, uniting in one person - politician, administrator, and soldier, there remains Keitel, Jodl, Doenitz and Taedar. In the course of these proceedings not only have all the counts of the indictment against them been sustained, but as a result, even more incriminating evidence has been brought to light.

The documentary evidence, the testimony given by the witnesses,

H0191 - 0088

including those applied for by the Defense, could not but tip the scales in favor of the Prosecution.

The Counsel for the defense tried to convince the Tribunal that their clients had become involved in this sinister tragedy by a whim of fate in spite of themselves.

The defendants themselves - Keitel, Jodl, Doenitz and Raeder here in court, try to appear in the role of noble simpletons. We must do the defense justice: it did its best to aid them in this attempt. We have heard a great deal about the soldier's honot, military discipline, fidelity to duty and oath of allegiance - all making obligatory, therefore, the fulfillment of Hitler's orders, including those which aroused their doubts and direct protest. Such a view of their position completely distorts the actual state of affairs. Before passing to the question of the guilt of Keitel, Jodl, Doenitz and Raeder, I deem it necessary to put the following 4 questions, and to answer them:

1) Did these defendants know that Hitlerite Germany, in violation of its international obligations had prepared a series of aggressive and predatory wars?

2) Did they take an active part in planning, preparing, unleashing and waging of these wars?

3) Are they guilty of cynically trampling down the laws and customs of warfare?

4) Are they responsible for the atrocities and extermination of the peaceful population, for the sinking of passenger and hospital ships, for the towns and villages destroyed by the Hitlerite Reich military machine?

It seems to me that after this investigation which has so carefully gone into all the details of this case, unless one remains blind to the facts, it is impossible to give other than an affirmative answer to these questions.

H0191 - 0089

The documentary evidence submitted to the Tribunal has fully proved that the military group of criminals is guilty of the heaviest crimes and that they have actively participated in the planning and execution of the common criminal conspiracy.

The fact that these crimes were committed by men in uniform not only does not serve to mitigate their responsibility, but, on the contrary, only heightens it.

How can they try to acquit themselves by referring to "a soldier's duty", "an officer's honor", and the "obligation of fulfilling orders". Since when has "soldier's duty" and "officer's honor" become compatible with shooting without trial and branding as prisoners, extermination of women, children and aged people.

The only true and correct explanation of the amazing fact that these generals and admirals were committing what in substance were capital crimes, lies in the fact that they were generals and admirals of Hitler's making. These are men of special metal. They are fascists in uniform, bound body and soul to the Nazi regime.

This is the only reason why Hitler gathered these men about him and collaborated with them for so long a period of time. This is the only way to explain why they collaborated with Hitler in committing such crimes unprecedented in history. They fitted and understood one another to perfection.

H0191 - 0090

KEITEL

It is only natural that in speaking of the military group I would naturally begin with defendant Keitel. Keitel held the leading post in Hitler's military machine from the very first years of its conception.

Speech Dr. Nelte p. 58

Keitel's counsel admits that : -the decree (of February 4th 1938) gave Keitel the wonder title for his position - Chief of the OKW". Further he goes on to say :

"... the factual significance of Keitel's activities was immense. It was a monstruous, extremely unerateful job and its miserly remuneration was a brilliant position in the immediate proximity to the head of the state."

Speech Dr. Nelte p. 100

In the light of subsequent events it may be taken for granted that the primary stage of all the future wars of aggression included everythin connected with the secret rearmament of Germany after the Versailles treaty.

It is difficult to minimise the significance of all that was done at the time by Colonel Keitel in the Committee of Experts which painstakingly and consecutively sought and found means of circumventing or violating the treaty.

It was none other than Colonel Keitel in particular who gave instructions to the effect that in Geneva it was possible to say what one pleased but care must be taken not to leave anything behind on paper. This cynical statement fully tallies with the role played by Keitel in the subsequent preparation and execution of agresive wars.

During the negotiations between Hitler and Schuschnigg the living reminder of Germany's preparadeness to resort to arms was the person of Keitel.

C-102 USA-74

Keitel issued orders for troops to cross over into Czechoslovakia at the time when president Hacha was so treacherously called to Berlin :"for continuing negotiations."

388-PS USA 26 Jodl's notes to "Fall Green"

It was the OKW and no other organization which was fully prepared through the /ABWEHR'S department to provoke an incident with Czechoslovakia in order to justify the invasion by the German hordes, ready to fall upon Czechoslovakia.

In his strictly confidential memorandum Keitel demanded that Hess and Himmler advise the OKW in advance of all measures taken by party organizations or police which were not included in the case Green "Fall Green".

The declarations alleging that after the seizure of Czechoslovakia Germany had no more territorial aspirations in Europe were downright lies. This was but a link in the chain of aggressive wars.

I wish to emphasize the leading role of the OKW in the preparation and carrying out of aggression. The directive regarding the waging of war and invasion of Poland is known to us as Keitel's and Hitler's directive of 10 May 1939. It was forwarded to the command of the Air Forces, Navy and Land Forces. How is it possible after this to maintain that the OKW was not the driving power behind the armed forces of the fascist Reich ?

If we once more peruse the documents pertaining to German aggression against Norway, Denmark, Belgium, Holland, Luxembourg, Yugoslavia and Greece we again come across the name of Keitel. He appears as a participant of the most important events as author of secret orders addressed to Raeder, Goering and the General Staff.

443-FS
GB-118

We find the initials of Keitel and Jodl entered in their own hand on the secret directive signed by Hitler regarding the "Operation Mariza".

Much has been said here of the "Plan Barbarossa" and its authors. At present it is important to stress that this document took shape in the depths of the OKW at its own initiative and that the planned methods of a treacherous attack on the USSR were also the work of the OKW.

The significance of a military specialists visa on a document is clear to everybody.

Some of the defendants attempted to portray the attack on the USSR as preventive war. This contention is to such a degree unconvincing and contradictory to the irrefutable evidence presented in court (German documents) that I see no need for occupying the Tribunal's time.

H0191 - 0091

H0191 - 0092

Keitel's defense counsel stated that the defense of this defendant is based on the point of view that Keitel -"is fighting not for his head but to save his face."

P. 23 Final Speech Counsel Dr. Nelte

I wish to aid the Tribunal in seeing the true face of Keitel. For this I shall have to remind you of a number of Keitel's directives which may well lay claim to being among the foremost of all the infamous documents pointing to the barbarity of the German military clique, its baseness and extreme scorn for all conceptions of rules and customs of warfare.

Let us consider the documents dealing with the shooting of Political Officers. Keitel, the soldier, as he likes to call himself, ignoring his oath, shamelessly lied to the representatives of the American Prosecution at his preliminary investigation by avowing that to begin with this order was in the nature of a counter reprisal and that the political officers were separated from the other prisoners of war at the request of the prisoners themselves. At the trial he was unmasked. Exhibit . RF (v) -351, 884-PS proved that this directive had been issued before the war had broken out. We also submitted a document under Exhibit No. USSR-62 (the text of a letter of German Prisoners of War.) This document makes it clear that even before the attack on the USSR the army in the field had been instructed to absolutely exterminate Soviet women in military service as well as political officers.

And what can be said of the following statement dreadful in its unlimited cynicism :

RF-271 R-98 PS-389

" Human life in those countries concerned us absolutely of no account, ... a terrifying influence can be achieved only through unheard of brutality."

C-50 USA-554

And what can be said of the directive of 13 May 1945 introducing court martial in the Barbarossa region ? And of the order of 16 September 1941 calling for the execution of 80-100 communists for each German killed ?

L-90 USA-503

What could Keitel say about the document known as "Nacht and Nebel"?

H0191-0093

These are sanguinary documents. No one can compute how many thousands of prisoners of war -soldiers and officers of the Red Army had been killed and tortured in the camps of fascist Germany. You remember how on 21 January 1946 at the evening session witness Lamp testified that for the amusement of Himmler the shooting of 50 Soviet officers was organized in the Mauthausen camp. You remember witness Blacha testifying that in the spring of 1944, 94 Soviet senior military officers were tortured and then killed for refusing to give military information.

USSR-52

transcript 11 January 1946 afternoon pp. 22-23

I wish to mention the testimony of SS man Paul Waldman regarding the slaughter of 840 Russian prisoners of war. You remember the testimony of witness Kivelsh regarding the endless chain of torture and suffering to which Russians, taken prisoner by the German, were subjected to :

transcript 2 February 1946, morning p. 22-23

It is impossible to pass by Keitel's directive calling for the branding of Soviet prisoners of war.

afternoon p. 2-4 USSR-16 transcript 14-2-1946 p. 13 USSR-343

One cannot forget the Keitel directive of the 16 December 1942. It is entitled "measure to be taken a ainst bands". Under the word "bands" defendant Keitel understood any resistance movement and demanded that his troops revert to harsh methods, stopping at nothing even in regards to woemn and children.

transcript 15 Feb. 1946 morning p. 1-2

The Soviet Prosecution submitted the testimony Lecurt under Exhibit No. USSR-162. Lecurt states that he shot and burnt Soviet citizens, razing their houses, He alone had shot over 1,200 persons and for this achievement he was promoted to the rank of Oberrefreiter and awarded the medal for service in the East. He acted in accordance with the directives of Keitel .

C-50 USA-554

Keitel's directive instituting court martials in the "Barbarossa" region freed such persons of all responsibility. Keitel's hands are stained with the blood of the victims of Lecurt and his like. It was in carrying out Keitel's directive stating that life in the Eastern regions was of no value, that the soldiers and officers of Hitlerite Germany committed their atrocities

H0191 - 0094

Exhibit number USSR-51 submitted by the prosecution shows how, on the 28 August 1941, attacking German troops drove a group of women, children and old men before their formations. In the village of Kolpino the fascists shot the peasants who had been forced into digging trenches and bridges for them.

USSR-261
USSR-391
USSR-392

In Yugoslavia mass shootings of hostages became a daily feature with the military command and military administration.

In a secret report dated 15.II.1940 submitted to Goering the OKW justifies the practice of taking hostages.

1585-PS
RF-278

I wish to conclude with document USSR-336 (EC-338), which your honors, of course, remember.

In this document Admiral Canaris informs Keitel of the unbridled cruelty in the prisoner-of-war camps, of the hunger, and mass shootings of Soviet prisoners of war. Even the out and out fascist spy Canaris, fearing eventual responsibility could not ignore such unbridled curelty and flagrant violation of accepted laws and customs of warfare.

You will remember Keitel's notation on this report :

"I approve of and back these measures".

On April 7, 1946, during the cross examination, I put the following question to Keitel :

"You, Defendant Keitel, known as fieldmarshal, repeatedly referred to yourself as a soldier before this Tribunal, and you, by your sanguinary notation, approved of and sanctioned the murder in cold blood of thousands of soldiers who had fallen prisoner. Do you confirm this ?"

Keitel was forced to admit this fact.

This one resolution alone unveils the true and real face of Field-Marshal Keitel. The highly involved arguments of the defense cannot absolve Keitel of his responsibility for the bloodshed and innumerable human lives torn short by the hand of the fascist military machine in carrying out orders and directives signed by his han

H0191 – 0095

The defendant Alfred Jodl bears equal responsibility together with defendant Keitel as his assistant and as closest military adviser of Hitler's All that is connected with preparation and execution of the aggressive plans of Hitlerite Germany is inseparably linked with the name of Jodl as well as with that of Keitel.

There is no need to repeat anew all those aggressive acts of Hitler's Germany which are already facts of common knowledge, each of which had been planned and executed with the direct participation of defendant Jodl.

As the representative of the Union of Soviet Socialist Republics, I should like to emphasize once more that the criminal plan of the perfidious attack on the Soviet Union, coded by the Hitler's gang under the name of the ill-fated conqueror Fredireck Barbaross, is signed not only by Hitler and Keitel but by Jodl as well. But this is more than a mere signature.

As early as the summer of 1940 in Reichenhall, Jodl held the first conference of his staff-officers, at which the question of the possibility of an attack by Hitler Germany on Soviet Russia was discussed.

It was no one else but defendant Jodl who even before the attack against the USSR actually was carried out issued his well-known "Instructions on the use propaganda in the region of 'Barbarossa". In these instructions it is unequivocally stated that "asyet propaganda aimed at the partition of the Soviet Union should not be carried on."

Thus, defendant Jodl knew beforehand of the actual aims of Germany's attack on the USSR, knew of the piratical and predatory nature of the war which called for the dismemberin of the Soviet Union.

It was Jodl who took part in the preparation and organization of the provocative incident on the Czechoslovak border with the aim of justifying this aggressive act of Hitler Germany against this peace loving nation.

It was Jodl who signed the order of the 28 September 1938 regarding the use of the so-called Siemlein Corps in case the "Case Green" was realized.

How full of mockery sound the defendant Jodl's words of "soldiers honor" after reading his order on the destruction of Leningrad Moscow and other cities of the Soviet Union.

It was this very same Jodl who with inimitable cynicism declared at a confe-

H0191-0096

rence with Hitler on the 1 December 1941 that German troops could with impunity "hang, hang by the feet and quarter" Soviet patriots.
As the closest military adviser of Hitler's, having personally participated in the preparation and execution of all the sanguinary aggressive plans of Hitlerites Germany -defendant Jodl has been justly included in the ranks of the major German War Criminals.
My British colleague has proved the guilt of defendants Carl Doenitz and Erich Raeder so convincingly and thoroughly that I see no need to dwell especially on these Grossadmirals of Hitlerite Germany, who have disgraced their admirals' uniforms with such infamous crimes.

In the course of his cross-examination Doenitz told the Soviet prosecutor that he was unaware of the reasons for which Hitler nominated him as his successor. I don't think that Doenitz was quite sincere in making this statement. One has but to refer to the transcripts of the sessions beginning with the 8th May, in order to understand without his acknowledging it, why he became Hitler's successor, when the Hitlerite Reich went to the bottom. The important point is not the fact that an Admiral was needed at a moment like this, but the fact that only the nazi Grossadmiral Doenitz, in the opinion of Hitler who was about to fade from the picture, could do anything to save the sinking ship.

Under Hitler, Doenitz commanded the submarine weapon of the German Reich We know the role which the German U-boats played in this war. In this connection it is worthy of emphasis what Doenitz was proud of being the author of the so-called "wolf-pack tactics". Soviet people have not forgotten how Doenitz's submarines sunk in the Baltic and Black Seas hospital ships and steamers evacuating peaceful citizens -women and children.
The last head of the Hitlerite government should be one of the first to pay for all those crimes which led to the trial of the major war criminals before the International Military Tribunal.

The name of Raeder is linked with the sacrilegious directive for the destruction of Leningrad.

H0191-0097

At the trial Raeder tried to play the part of an "honest soldier". But the mere fact that it was he, together with Hitler and Keitel, who conspired to "wipe Leningrad off the face of the earth" and to exterminate more than three million population of that great city, whose very name is indissolubly connected with the development of the culture and history of mankind, makes Raeder one of the major war criminals.

Raeder took part in working out all the most important plans of aggression of German fascism. This participant in the criminal fascist conspiracy must therefore bear punishment together with his associates.

The defendant Ernst Kaltenbrunner was considered by Himmler to be the most deserving successor to that henchman, Heidrich, executed by Czech patriots. On 30 January 1943, he was appointed Head of the Reich Main Security Office and Chief of the SD.

Numerous documents, and especially orders signed by Kaltenbrunner, for the mass deportation of people into concentration camps, the testimonies of his subordinates, including the depositions of Walter Schellenberg, the former Chief of the Interior, Security Service, fully convict Kaltenbrunner of heinous crimes.

At the session of 12 April 1946 in the course of Kaltenbrunner's examination the testimonies of Johann Kandutor, ex-prisoner of Mauthausen, were read into the record. In his depositions, Kandutor describes as follows Kaltenbrunner's pass-time during one of his visits to the camp:

"Laughing, Kaltenbrunner entered the gaz chambers; then the prisoners were led from the barracks to the execution and all the three methods of execution were demonstrated -hanging, shooting into the nape and asphyxiation by gas."

I shall not dwell upon the numerous proofs which are available, as they have been sufficiently clarified before the Tribunal. There is only one point of the accusation against Kaltenbrunner, on which I deem it necessary to dwell. Together with other RSHA organizations, Kaltenbrunner took over from Heidrich five "Einsatzgruppen". The citizens of the Soviet Union remember well these criminal organizations of the German fascism, headed by Kaltenbrunner.

H0191 - 0098

The "Einsatzgruppe A" reac ed the approaches to Leningrad. It created the "Fort of Death #9" near Kaunas, the secret points for mass extermination of human beings in Panarai; it carried out the executions by shooting in the woods of Salaspinsk and Bikerneksk near Riga; it erected gallows in the parcs of one of Leningrad's suburbs -the Pushkino.

The "einsatzgruppe B" settled down in the vicinity of Smolensk.

It burnt alive the peasants of Byelorussia; it shot down the victims of the awful Pinsk "action"; it drowned thousands of Byelorussian

H0191 – 0099

women and children in the Mosyr marshes; it operated with murder vans in Minsk; it liquidated the ghetto in the Upper Gardens district of Smolensk.

USSR-14
USSR-9

The "Einsatzgruppe C" - was quartered in Kiev. This group carried ou the mass "action" in Baby Yar near Kiev, an execution unmatched for it cruelty, when 100,000 Soviet citizens perished on a single day.

USSR-14
USSR-1
USSR-42

The "Einsatzgruppe D" operated in the southern regions of the temporarily occupied territories of the Soviet Union. This group was the first to experiment with the murder vans on the Soviet citizens in the district of Stavropol and in Krasnodar.

And when Kaltenbrunner's fate will be decided, all these human beings, asphyxiated in the "murder vans" near Stavropol, buried alive in the graves near Kiev and Riga, burnt alive in the Byelorussian villages, can not be forgotten.

All these innocent victims are on his dirty conscience.

The successor of a hangman, Kaltenbrunner was a hangman himself, and he had the charge of the most horrible aspect in the common criminal plan of the Hitlerite gang.

I shall now summarize the evidence pertaining to the guilt and the responsibility of the defendant Rosenberg.

In spite of Rosenberg's efforts to minimize his role and importance, in spite of his efforts to juggle with historical facts and events - he cannot deny that he was the ideologist of the Nazi party, that already a quarter of a century ago, he laid the "theoretical" foundations of the fascist Hitlerite State, and that during this whole period he corrupted morally millions of Germans, preparing them "ideologically" for the monstrous crimes committed by the Hitlerites - crimes unprecedented in history, and which are the subject of this trial.

Trans. evn.sess. 17-4-46 pp 31-34

When, at the trial, Rosenberg was asked: "were you not one of Hitler's closest collaborators"?, he did not even speak - he shouted in reply: "that is not true, I never was".

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But however hard Rosenberg tried to renounce his "Fuehrer", he has not succeeded in washing away the

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stigma of "one of the oldest and the most faithful of Hitler's comrades-in-arms". For twenty-five years, Rosenberg, acting first as Hitler's collaborator and afterwards under his direction, worked out and assisted in the realization of the fantastic plans for world supremacy, having chosen for the justification of these criminal plans, the misanthropic theory of racism.

The fact that Rosenberg utilized for his purposes the refuse of science and borrowed some of his theories from Karl Luger and Paul Lagarde, Count Gobino and Houston Chamberlain, Oswald Spengler and Arthur Moller, cannot influence the solution of the question on Rosenberg's responsibility and guilt.

The important fact is that Rosenberg, having assembled all these excrements of science, raised the racial theories to a degree of racial fanaticism, and educated in this spirit the members of the nazi party and the German youth. And when the representatives of the "master race" elaborated and committed acts of aggression, when the German oppressors enslaved and exterminated nations and peoples, when the factories of death were created at Majdanek and Auschwitz, Rosenberg's share in all these crimes was great.

All this was the outcome of the fascist racial ideology, the essence of which consists in the idea that the "aryan", "north-germanic" race is a "master race", and that all other races and nations belong to "lower strata".

Rosenberg's counsel said: "The Tribunal must judge crimes and not theories". In Rosenberg's case such an argument is clearly unconvincing. For Rosenberg, not only confessed the fascist racial theory, but he knowingly propagated it and instilled it into the conscience of the German people, this theory which became a direct menace to the existence of the democratic European states. The person who carries microbes must be isolated, but the person who willingly disseminates microbes, must be tried.

Rosenberg's criminal activity was not limited to the ideological preparation for aggression and to the preparation of misanthropic

theories. His activity had many facets.

The criminal activity of the foreign-policy department of the NSDAP has already been sufficiently clarified at this process, this departme which for many years was subordinated to the defendant Rosenberg, was i charge of the half-legal nazi agencies abroad. The participation of this organization in the foreign policy measures undertaken by the Hitlerite Germany and in the initiation of aggressive wars, is very great.

Doc. Counsel Neurath v.I,p 67 One of the documents submitted by Neurath's Counsel and accepted by the Tribunal, reads as follows:

> "..... at one time there existed in Berlin three sorts of ministries for foreign affairs; Rosenberg's ministry, Ribbentrop' ministry, and the official ministry on the Wilhelmstrasse."

USSR-117 And finally, Rosenberg's letter to Hitler of 6.2.38 stressed his real influence on the foreign policy of Hitlerite Germany and his "merits" in this field, when he applied for a membership in the Secret Cabinet Council.

I see no necessity to give an analysis of the entire criminal activity of Rosenberg, and I only intend to dwell very shortly on his activity as "Fuehrer's plenipotentiary" and, later, as the Reich Minister for the Occupied Eastern Territories. In these capacities, Rosenberg exercised his talents most actively, as a participant in criminal conspiracy.

Rosenberg declares that he was against war with the USSR and that he learned from Hitler about the preparations for an attack against the USSR, only when all the orders to military channels had already been given, and that he never really had any influence on the foreign polic of the Hitlerite Germany. I affirm, Your Honors, that all these declarations of Rosenberg are false. It is a commonly known fact that the plan for a German crusade against Soviet Russia is indeed the starting point of the national-socialists foreign policy, as set out in the 1921 New-Year publication of the newspaper "Voelkischer Beobachter" and that the author of this policy is Alfred Rosenberg. It was

H0191-0102

Rosenberg, who inspired by Ludendorf and Rechberg, propagated - together with Hitler - a foreign policy directed towards the creation of an antisemitic, antibolshevik and antibritish continental Europe. Rosenberg's speeches, setting out plans for the "exchange of the Polish corridor against the Ukraine, his "diplomatic" journeys into certain countries after the seizure of power by the fascists, his clumsy efforts to realize the foreign policy programme of the nazis - were disclosed in detail in the press.

The submitted documents give a clear picture of Rosenberg's feverish activity in April 1941 - during the period immediately proceeding the attack of Germany on the USSR - when he was nominated "Fuehrer's

PS-865
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plenipotentiary for the supreme control of the questions connected with the Eastern-European territories".

Transcr. morn. sess. 17.4.46

On 7 April 1941, two weeks prior to his nomination, Rosenberg sent to Hitler his proposals for the division of the Soviet Union into

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PS-1039
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Reichskommissariats and for the nomination of fascist governors for the occupied territories. Byelorussia and the Ukraine, Minsk and Kiev, Rostov and Tbilisi, Leningrad and Moscow, were all enumerated in Rosenberg's proposals. For the post of the Reichskommissar of Moscow, Rosenberg recommended the notorious Erich Koch.

We have heard about Rosenberg's meetings with Brauchitsch and Raeder and of his conferences with Funk, General Thomas, state secretary Backe and others, on the questions of economical exploitation of the eastern territories, and about his negotiations with Ribbentrop, the SS Chief of Staff, the Chief of the German intelligence service, Admiral Canari Already six weeks prior to the attack on the USSR, he worked out directives for all the Reichskommissars of the occupied eastern

USA-144

territories, in which he provided for a "Reichskommissariat Russia" and the "Reichskommissariat Caucasus", whilst the Byelorussian republi was to form a prt of the "Reichskommissariat Ostland".

PS-1030

Rosenberg's attempts to affirm that he did not share in the aggressive, predatory aims of the war against the USSR, and that, in his capacity of Minister for the occupied Eastern territories, he all but leaded

H0191-0103

with benefits the population of these territories. And this he dares to affirm, when the directive to the Reichskommissar of the Baltic countries and Byelorussia, described his aims as follows:

> "..... the creation of a German protectorate for the purpose of subsequent inclusion of these regions in the Greater German Reich, by means of the germanization of elements - suitable from the racial point of view, of the colonization by the representatives of the German race and of the extermination of the undesired elements."

And this is said in addition to the following recommendations made in another of Rosenberg's directives on the subject of the civil administration in the occupied Eastern territories:

EC-347
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> "Our main task ..... is the furthering of the Reich's interests. The regulations of the Hague Convention regarding land-warfare are not valid, as we can consider that the USSR has been destroyed ..... For this reason, all measures which the German administration deem necessary and convenient are admissible."

Rosenberg was too hasty in his assertion that the USSR was destroyed, let the cat out of the bag, and gave away his secret plans. But this document is also an irrefutable proof, invalidating all the attempts of the defendant to throw off his shoulders the burden of responsibility for the monstrous crime perpetrated by the German-fascist aggressors throughout the occupied territories of the USSR, to the shoulders of individual officials and policemen, of Koch and Himmler.

It was Rosenberg, who permitted the repudiation of the Hague Conventio and the utilization of all measures which might seem "convenient". When Koch, for his "convenience" exterminated the population of the entire Zuman district, he was acting in the spirit of this directive of Rosenberg.

Rosenberg described here his dissentions with Koch; he alleged that he has followed humanitarian policy and even imported agricultural machinery.

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Even if Rosenberg did indeed, from time to time, object to Koch's actions, it was only because he was afraid of premature publicity, because he was afraid that Koch's unparalleled ill-treatment of the Ukrainian people would only strengthen the resistance movement. Rosenberg was influenced by fear and not by any humanitarian considerations. Rosenberg's true policy is set out in numerous documents which have now become known to the world's public opinion and which are in the files of the Tribunal.

PS-045 In an "official note for the Fuehrer" dated 16.3.1942, Rosenberg set out the aims of the German policy in the occupied territories of the USSR and, first of all, in the Ukraine ..... "the utilization of minerals, the creation of a German colony in certain regions, no artificial intellectual development of the population, but its preservation as a source of manpower."

In his report on the reorganization of the Caucasus, Rosenberg wrote that:

USSR-58 The problem of the East consists in the transplanting of the Baltic nations to the soil of German culture and in the preparation for the large-scale expansion of the German frontiers.

The task of the Ukraine is to secure the necessary food supplies for Germany and Europe, and the raw materials for the continent. The problem of the Caucasus is primarily a political problem and it will

USSR-58 lead to the expansion of continental Europe, headed by Germany, from the Caucasus isthmus to the near East."

And finally I would like to point out that it was Rosenberg who made the following statement, at a conference of the German Labor Front, on the policy of the occupied USSR territories:

USSR-170 "It is obvious, that if we are to subjugate these peoples, arbitrary justice and tyranny will be the most suitable form of government."

The defense affirms that Rosenberg and his "Einsatzstab" were not concerned with the plunder of cultural treasures, but with their preservation. This statement is also quite false. Numerous documents read into the record at this trial, have proved that as

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early as April 1941, i.e. more than two months prior to the attack on the USSR, Rosenberg was organizing special units and staffs and was elaborating plans for the removal of the cultural treasures of the Soviet Union.

USSR-375
US-076

On 16 October 1941 Rosenberg wrote to Hitler as follows:

"I have now given an order to a similar operative staff of my organization to carry out in the occupied Eastern territories the work already accomplished in the West.

..... Having before our eyes the whole picture, we can satisfy all the just wishes and demands of the Greater German Reich. On this basis I would also be willing to take upon myself to guarantee that all the treasures of art from the Lintz and other museums which can be utilized for your personal plans, are really used for this purpose.

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USA-338

On 18 October 1944, Rosenberg wrote to Lammers that for the transport of goods "listed" by his organization, it was necessary to use 1,418,000 railroad cars, whilst 427,000 further tons were transported by water. In this same letter, Rosenberg mentioned that amongst the confiscated goods removed to Germany there was 9,000 cars with agricultural and other machinery. And after this, he dares to speak about some machines which he has allegedly imported into the Ukraine! And finally, I shall speak about the ridiculous theory of the so-called Rosenberg's "noble antisemitism". It is absurd to argue with Rosenberg's counsel, who affirms that there exists such a thing as as "noble antisemitism", and all the more absurd it is to argue with Rosenberg. In my statement to the Tribunal, I threw light upon the fascist propaganda contained in the defense speeches. Now, I would like to recall to the Tribunal the text of two of Rosenberg's documents:

In his directive of 29 April 1941, he wrote:

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PS-1024

"The general solution of the Jewish problem must at the present moment be carried out by methods of a temporary character. Slave labor for Jews, the creation of Ghettos, etc., must be the solution of this problem."

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Even more cynical and frank is the statement made by Rosenberg in November 1942, when he, in his capacity of Minister for the Occupied Eastern Territories, addressed a conference of the German labor front:

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> "We must not be satisfied - said Rosenberg - with the deportation of Jews to another country and with the creation here or there of a large Jewish ghetto; no, our object must always remain the same. The Jewish problem in Europe and in Germany will be solved only when there are no more Jews left on the European continent."

USA-289
P-135

And the operations "Kotbus", the extermination of Jews in the Baltic towns, in the Ukraine and Byelorussia - all these were carried out in conformity with Rosenberg's theories and with his agreement.

In 1937 Rosenberg received the German national prize. Commenting on this event, the fascist press wrote as follows:

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> "Alfred Rosenberg has brilliantly succeeded with his books in building up the scientific and the spiritual foundations of, and in consolidating and strengthening the philosophy of the national-socialism.
>
> Only future generations will be able to appreciate fully the profound influence of this man on the philosophical foundations of the national-socialist state."

But the future - became the present. And I am sure that the Tribunal will be able to appreciate duly not only the influence exercised by Rosenberg on the "philosophical foundations of the national-socialist state", but also his active participation in all the crimes against peace and humanity perpetrated by the Hitlerites.

H0191-0107

A lawyer by training the defendant Hans Frank was one of those who liked to speak about reviewing the "ancient German" law for Germans about "Principles of Justice", for the "select" about the "right of the chosen people" to annihilate nations and countries.

In 1939, he was the very man, who had been corrupting the German legal conception for a long time, to whom Hitler entrusted the fate of subjugated Poland. Frank arrived in Poland to realize practically the programme of enslavement and extermination of the people on the territory of a country possessing a history which had lasted for ages and original high culture.

I should like to remind the Tribunal of some of Frank's views expressed during the first months of his stay in Poland, taken from his so called "diary". It is hardly worth while to discuss with the defense counsel the probative value of this document.

Frank himself declared to the magistrate that " this document was of historical importance" and to the question "whether all his statements contained in the diary were true", he replied: " they fully correspond to what I know."

On 19th January 1940, Frank declared with cynical frankness at the conference of the department-leaders.

USSR-223
page 4
2233-PS

"On 15th September 1939, I was entrusted with the task of governing the conquered eastern territories and received the special order to ruin this territory ruthlessly as a war territory and a war trophy and to turn it into a heap of rubble from a point of view of the social, economic, cultural and political structure."

On 31 October 1939, in the presence of Goebbels at a conference uniting the leading officials of the Government-General, he declared:

"A perfectly accurate differenciation must be made between the German people - the master-race,- and the Poles."

He then remembered the Polish culture which Frank's defense counsel Dr. Seidl said here, took so great care of. He stated:

USSR-223 Page 3 "The Poles can be allowed only those possibilities for educating themselves which would prove the hopelessness of the destiny of their nation. Alone bad films or films demonstrating the might and greatness of the Germans can be taken into consideration for the purpose."

USSR-335 One of Frank's first instructions was the order to shoot hostages. Later on similar orders were to be counted by the hundred and the thousand until they finally culminated in the edition of regulation dated 2 October 1943.

USSR-335 USSR-223 Page 3 USSR-223 On 10 November 1939 Frank was informed that the day of Polish independence was approaching and that posters were being hung up on certain houses to remind the Poles of their national holiday. The following entry then appeared in Frank's "Diary":

"The Governor-General decrees that one inhabitant of the male sex is to be taken from every house on which a poster of this kind is hung up and is to be shot. The Pole must feel that we do not intend building a lawful state for him."

The short extract we are quoting from the speech Frank made at the conference of [illegible] department-chiefs of the Government-General characterizes this Hitlerite "lawyer" far better than lengthy excerpts taken from his parade-speeches which we were obliged to listen to here....

The criminal activity of Frank in Poland is so very manifold, that there is no possibility, in a short speech, to reconstruct to the Tribunal the innumerable proofs of Frank's guilt which have been submitted in this court-room and which are evidently still fresh in the memory of Your Honors.

But from Frank's criminal activities in Poland we must

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H0191-0109

segregate the predominant trait which is Frank's activity as the murderer of millions of people.

Of course he looted; he was Goering's Plenipotentiary for the 4-year plan and he looted, so to say, be it merely in this capacity.

He sent over 2 million Poles to Germany for forced labour. The attempt of the defense to represent Frank as the "enemy of coercive methods of recruitment" can be based only on the assumption that nobody excepting counsel had studied Frank's diaries. For Frank never can escape documents such as the minutes of the meeting of the department leaders dated 12 April 1940, or the notes of Gauleiter Sauckel of the 18 August 1942, or the transcript of the meeting with Buehler, Krueger and others of the 21 April 1941. But he sent people to forced labour in order to wring them dry in the interests of the Reich before sending them to their doom. The regime, set up by Hans Frank throughout Poland during all the stages of the temporary German domination in this country, was a regime for the inhuman destruction of millions of people by means of varied, but equally criminal, methods.

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page 6

It is not merely incidental that the German-fascist assassins who annihilated 11 thousand Polish prisoners of war in Katyn forest should refer to the regime which Frank instituted in Poland as an example of his own activities (as the Tribunal has been able to ascertain not so very long ago in this court-room from the evidence presented by the former deputy to the mayor of Smolensk - professor Basilevski.)

I consider it to be particularly important, at this point to emphasize the conception Frank had of the relations with the Polish population after the war:

" insistently draw your attention, said Frank, "to the fact that, should peace be concluded, nothing would change

H0191-0110

in our treatment. This peace will signify that we, as a world power, will conduct more firmly than hitherto our
USSR-223 general line of policy. This peace would signify that we will have to carry out colonization on an grandiose scale, but the principle will not have changed."

This was stated in 1940, when Frank was contemplating the first mass murder of the Polish intelligentsia, the so-called "AB" action.

In 1944, at the meeting of the agricultural leaders at Zakopane Frank said:

"If we win the war, then in my opinion we could make
JSSR-223 mincemeat of the Poles and Ukrainians and of all those who are idling around the Government-General. If only we keep
page 21 them in subordination during war-time -- come what may".

It was not Frank's fault, that as early as in 1944, dreaming to make "minced meat" of the Poles and Ukrainians he was compelled to add: "If we win the war" . At this time he could not be as emphatic in his utterings as on 2nd August 1943 , when at the reception of the Party speakers in the Royal Palace in Cracow he spoke about the exterminated Polish Jews:

USSR-223 "Here we started out with 3,500,000 Jews; now but a
page 21 few workers remain from this number. All the others, we shall some day say, emigrated."

H0191-0111

Frank himself as well as his counsel tried to affirm that the defendant had known nothing about what was going on at the concentration camps of the General Government. However, in this very Secret report addressed to Hitler by Frank, which the defense counsel tried to utilize on behalf of Frank we may find a confirmation of the fact that Frank was well informed about what was happening in the camps It is said there :

"Most of the Polish intellectuals are not susceptible to the influence of the news from Katyn and in answer quote similar atrocities in Auschwitz."

Then Frank, cites a highly characteristic passage describing the reaction of the Polish workers to the provoking communications of the Germans about Katyn :

"There are concentration camps in Auschwitz and Maidanek, where mass murder of the Poles was carried out along chain-production lines."

And further :

"Today, unfortunately, the Polish public opinion and not only the intellectuals, compare Katyn to the mass death rate in the German concentration camps, as well as to the shooting of men, woemn, and even of children, and old people when carrying out collective punishment in the districts,"

After the "secret report" addressed to Hitler there was no other "new course" on Frank's part. On the contrary Frank published his regulation of 2nd October 1943, which the defendant himself termed as "dreadful", when questioned by his counsel. After his regulation had been carried into effect many thousands of innocent people became his victims. The number of executions increased steadily till it amounted to 200 persons executed at a time in Warsaw.

The same thing happened in the streets of all the Polish towns, where the so-called "police courts" carried out executions, as it is said in the text of the regulation itself, immediately following the verdic The people doomed to die were brought to the place of execution wearing paper clothing, with their lips glued together with sticking plaster, their mouth stuffed with plaster, pale white in prison. At

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the state conference held in Cracow on 16th December 1943, where Frank stated with great satisfaction that the executions had "favourable consequences", another question was simultaneously discussed. In the records of this conference it is said :

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Pag. 20

"We must discuss the question whether, it is possible to arrange special places of execution, as it has been established that the Polish population gathers at accessible places of execution to collect the earth saturated with blood into vessels which they place in Churches."

The defense counsel tried to speak here about interminable dissensions of Frank with the police; he had allegedly disagreed with their action. Let us see what kind of dissensions these were. The first "sonder-action" carried out in Poland, namely : the AB operation -a physical extermination of several thousands Polish intellectuals- had not been initiated by the police, but had been initiated by Frank himself. According to the Decree of Hitler of 2nd May 1942, the director of the police was subordinated to the Governor General. When some dissensions between Frank and the chief of the police did arise, it was Krueger who had to leave his post of police chief, whereas Frank remained Governo General of Poland. As for the Obergruppenfuehrer Koppe, who took the place of Krueger, who else was it but Frank who expresse his thanks to him on 16th December 1943, for shooting the hostages, his gratitude for his fruitful work' and noted with satisfaction "a great specialist is at the head of the police at the Government General". It is incomprehensible about what dissensions concerning the policy was counsel Seidl talking about.

His counsel even tried to represent Frank as "a singularly peaceful anti-semite", who entertaining a negative attitude towards the Jewish people never initiated massacres of the Jews or even instigated same. It is incomprehensible in this case how the following words of Frank would be interpreted by the counsel :

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pag. 22

"The Jews are a race that should be exterminated. Whereever we catch even one he shall be done away with."

Or his declaration at the government sitting of 12th August 1942, when he said :

"That 1,2 million Jews have been condemned by us to starvation is quite comprehensible. It stands to reason that if these Jews do not die of starvation, this will lead to precipitated active measures directed against the Jews."

Thecriminal activity of the henchman of the Polish nation led to the extermination of millionsof people.

H0191-0114

USSR-223 page 16 "You see how the state organs are working; you see that they don't hesitate before anything and stand up people by the dozen against the wall". - This is the manner in which Frank himself at a conference of the Standartenfuhrers held the 18 March 1942, characterized the bloody regime of terror set up throughout Poland.

USSR-223 page 21. c "I did not hesitate to declare that for one German killed up to a hundred Poles would be shot" - these words were pronounced by Frank on the 15 January 1944 at a meeting of the political leaders of the NSDAP.

USSR-223 page 22 "Had I gone to the Fuhrer and told him: 'My Fuhrer, I am reporting to you that I have exterminated another 150,000 Poles', he would have said: 'Perfect, if it was indispensable'" - stated on the 18 March 1944 whilst making a speech at the Reichshof, that very same Frank who now tries to convince the Tribunal that he had some "differences of opinion on matters of principle" with Hitler and Himmler.

The declarations that Frank made during the first months of his stay in Poland were a veritable program of murders which were perpetrated by the defendant methodically, ruthlessly and according to plan.

Frank, of course, was fully aware of the fact that should war not bring victory with it, he would have to carry the full responsibility for the crimes committed in Poland as well as for his participation in the fascist conspiracy. As early as 1943 Frank spoke about this at a meeting with his accomplices. We must give credit where it is due: as a lawyer he was much more correct in his depiction and formulation of the concepts of a criminal conspiracy that certain lawyers at this trial, who, basing themselves on outmoded understandings, endeavour to dispute the foundation for a conspiracy put forward by the Prosecution.

H0191-0115

It was at this government meeting held in the presence of the police on the 25 January 1943 that the Governor-General of that time declared to Himmler's hyenas:

USSR-223
page 18.

"...I would like to emphasize one point: we must not squirm when we hear of 17,000 people being shot. These shot people are also victims of war. Let us now remember that all of us, assembled here, figure on the list of criminals of Mr. Roosevelt. I have the honor of being number one. We have become so to say, accomplices on a world-history scale. It is exactly for this reason that we have to keep together and must share the same general ideas, and it would be simply funny if we started to wash our dirty linen in public by bickering about methods".

This appeal to murder is very far from the "interminable quarrels with the police" which defendant Frank spoke about here.

The defendant made a mistake about one thing: he was incorrect in defining his place in the dock. But he was not mistaken about the fundamentals: he took his place in the dock as a "criminal on a world history scale."

The history of the development of the Nazi movement in Germany and the numerous crimes of the Hitlerites are indissolubly connected with the name of the defendant Wilhelm Frick: As Minister of the Interior of the Hitlerite government, Frick participated in the issuing of numerous laws, decrees and other acts directed towards the destruction of democracy in Germany, the persecution of the church, the discrimination against the Jews, etc.

In this capacity, the defendant Frick contributed most actively to the creation in Germany of the Hitlerite totalitarian state.

During a period of many years, the German secret police, the Gestapo, which was to acquire a gruesome fame, was subordinated to the defendant Frick.

H0191-0116

Official Transcript morning 26.4.46 p.37-38.

The order concerning the extermination of aged people and of the insane was issued in 1940 by no other than the defendant Frick.

In his capacity of Minister of the Interior of Hitlerite Germany, the witness Gesavius testified to in this Court, Frick was fully cognisant of the vast system of concentration camps spread throughout the Reich, as well as of the existence in these camps of an inhuman regime. The part played by the defendant Frick in the preparation and the realization of the Hitlerite government's aggressive plans, was considerable. He was a member of the State Defense Council as well as Plenipotentiary for General Administration.

All the documents, by which the Hitlerite conspirators legalized the incorporation by Germany of the seized territories, were signed, among others, by the defendant Frick.

In his capacity of Protector of Bohemia and Moravia, the defendant Frick bears personal responsibility for all the crimes committed on that territory by the Hitlerites.

After the felonious attack of Hitlerite Germany upon the Soviet Union, the defendat Frick's Ministry of the Interior participated most actively in the setting up of the administration in the seized territories of the USSR. The machinery of the German occupational authorities in the East was manned mainly by officials of the Ministery of the Interior.

There is no need to dwell again upon the part played by this machinery, which was created with the most active cooperation of the defendant Frick, in the extermination, the driving into slavery and the other inhuman actions carried out against the civilian population of the occupied territories.

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Frick bears full and direct reponsibility for all these crimes inasmuch as he was an active participant of the Nazi conspiracy.

Notwithstanding the fact that during the war years, the defendant Julius Streicher did not formally hold functions directly connected with the perpetration of murders and mass executions, it is hard to overestimate the crimes committed by this man.

Together with Himmler, Kaltenbrunner, Pohl and those who conceived, constructed and switched into action the gas chambers and gas wagons; together with those who personally committed mass actions, Streicher must bear respohsibility for the most cruel crimes of German fascism.

The inflaming of national and reacial dissention, the cultivation of depraved cruelty and the calling to murder - all this was not only the Party function of this man, but also the source of his income.

And it is not by accident, that in his greeting to Streicher dated April 1937, which is already known to the Tribunal Himmler expressed his high esteem for the merits of "Der Sturmer" and of its publisher.

One can consider Streicher as the actual spiritual father of those who quartered the children of Tremblinka. Had it not been for the "Sutmer" and its publisher, German fascism would not have been able to educate at such short notice those mass cadres of murderers who personally put into effect the criminal plans of Hitler and his gang, by murdering over 6 million European Jews.

Over a period of many years Streicher spiritually corrupted the children and youth of Germany. The so-called "children's editions" of the "Stuermer" have been submitted to the Tribunal.

And therefore, together with Baldur von Schirach, Streicher must bear responsibility for the selection of Jewish children from the Lvov ghetto, for target practice by the morally depraved "Hitler Jugend". It is not by accident, that von Schirach held in so high an esteem Streicher's "historical merits".

The fanatical "Nunrberg Laws" were only the "beginning of the struggle" for this "Number One Judeophobe" as he called himself,

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who was also the organizer of the first Jewish pogroms. As the Tribunal can recall, after these laws were issued, Streicher called for the physical extermination of the Jews in Europe and he wrote: "This problem will only be solved when world Jewry is exterminated".

I will not dwell against, either, on the shameless and mendacious "ritual numbers" of the Stuermer, which were to incite the SS men towards the killing of millions of guiltless persons and to justify any atrocity directed against the Jews. These proofs of Streicher's guilt which, among others, were submitted to the Tribunal, are of common knowledge and not subject to any doubt.

GB-332 In 1939 he anticipated Maidanek and Treblinka and wrote that
PS-801. "perhaps graves alone" will testify to the previous existence of Jews in Europe.

In 1943, when the gas chambers of Treblinka and Auschwitz were already englufing millions of victims, the "Stuermer" published articles inciting to the liquidation of the ghetto, articles wh ch were full of lies and maliciousness and finally the "Stuermer" could state withsadistical satisfaction that:

"The Jews of Europe have disappeared".

Streicher lied all his life. He attempted to lie, here in Court. I do not know whether he believed he would be able to deceive anybody by these lies, or whether he lied from habit or out offear.

But it seems to me that it must be apparent, even to the defendant himself, that his last lie will not deceive anybody and will not bring about his salvation.

H0191-0119

In carrying out a vast and complicated task the defendant, Hjalmar Schacht played an emminent part in the preparation and the realization of the criminal plans of the Nazi conspirators.

Shacht's defense position is extremely simple:
If he is to be believed, purely patriotic motives drew him to Hitlerism, He was against aggressive wars, but for the rearmament of Germany in order to maintain peace. He was for the return of Germany's colonies in view of establishing economic stability in Europe.
Having come to the conviction that the policy of the Nazi government was directed towards an excissive armament and thereby bore the menace of another world war, Schacht went over to the opposition. He sabotaged the measures taken by the Hitlerite government and as a result he was persecuted as a participant in the plot against Hitler. This is the defense position of Schacht.

Defendant Schacht strives now to depict the enthusiastic letters, full of expressions of loyalty which he addressed to Hitler, as a method of camouflaging his real oppositional feelings towards the Hitlerite regime. Actually, Schacht's connection with the Nazi movement begins as early as 1930. Schacht was drawn to National Socialism and both Hitler and Goering sought Schacht's support. Indeed the latter, with his vast connections in Germany's industrial and financial spheres, could, like nobody else, render invaluable services to the Nazi movement. And this he did.

PS-457 As early as August 29, 1932, in a letter to Hitler, Schacht assured the latter of his layalty. These were not mere words, for more than anybody, Defendant Schacht played a decisive part in Hitler's advent to power. It was he, Schacht, who organized the demand formulated by the German

PS-
370 industrialists for Hitler to be named Reich Chancellor.

As early as 1932, he, Schacht, declared to von Papen, who was then Reich Chancellor of Germany: "Hand over your post to Hitler."

PS-161
-203
S-655
PS-767 It was again Schacht who, in 1933, on the eve of the Reichstag elections, called the conference of industrialists which created an election fund of several million marks for the Nazi party.

H0191-0120

Hitler's closest follower, Goebbels, characterizes thus the part played by Schacht and his importance in the creation of Nazi Germany. On the 21st of November 1932, he wrote down in his diary:

In a talk with Dr. Schacht, I came to the conviction that he fully
S-262 shares our point of view. He is one of the few who fully agrees with the position of the Fuehrer".

S- In his speech at the spring fair in Leipzig on the 4th of March, 1935, the
409 defendant Schacht depicted himself his part in the Nazi state:

"I can assure you that all that I do and all that I say is in full agreement with the Fuehrer, and that I will do and say nothing that would not be approved by the Fuehrer. That is why it is the Fuehrer and not I who is the bearer of economic reason."

As Schacht expected, Hitler appreciated his merits at their full value. After his advent to power in 1933 Hitler immediately nominated Schacht to the post of President of the Reichsbank and then to the Ministry of Economy, and finally to the post of plenipotentiary General on matters of War Economy.

The Prosecution and the proceedings have proved the extraordinary part played by Schacht in thepreparation of Germany's armaments and consequently in the launching of aggressive wars.

US-838 The former war minister, von Blomberg, testified that in 1937 the
PS- development plans of the armed forces were close to completion and that
3901 Schacht was informed of these plans and of their financing.

Schacht was one of the most consistent partisans of the Nazi's criminal plans. In a talk with the United States Ambassador Fuller on the 23rd of September, 1936, Schacht stated that:

"Germany absolutely needs colonies. If it is possible, we will
S*629 acquire them by means of negotiations. If not, we will seize them."

ES-450 Speaking in Vienna in March, 1938, Schacht declared:
JS-632
S-297 "Thank God, this could not prevent the great German people from continuing on its course, because Adolf Hitler unified German will and

H0191-0121

German thought, He strengthened it with reinforced armed forces and in the end he gave an outer shape to the inner unity of Germany and Austria."

Defendant Schacht was entrusted with extraordinary powers in the sphere of war economy.

H0191-0122

Over a period of many years Schacht cumulated the functions of Reichsbank President, Minister of Economy, and Plenipotentiary General of War Economy.

Be it only as a result of these positions, the defendant Schacht played an enormous and decisive part in the creation and resurrection of Nazi Germany's war economy and armed forces.

PS-644 -104 PS-650 PS-397 This activity of the defendant Schacht is clearly described in the numerous laudatory letters which he received from Hitler.

The defendant Schacht and no other was the creator of the adventurous method of issuing so-called "Mefo bills", by which twelve millions of Reichsmarks were assigned, aside from budget assignations, to German economy for rearmament purposes.

As was already stated above, the defendant Schacht attempted, at various periods of his activity, to stress his alleged ever-increasing dissension with the Nazi regime. In reality, Schacht was carrying out a double game. On one hand, he shielded himself from the responsibility for the criminal policy of the Nazi government by flirting with persons who actually did strive to overthrow the Nazi regime, and on the other, he remained loyal to this regime.

It was only in 1943, when the downfall of Nazi Germany became apparent, even to such a hard-boiled politician as Schacht, that he established connection with oppositional circles. However, true to himself, he took precautions for any event, and he did not actually do anything personally to overthrow the Nazi regime, and that is why he was spared by Hitler.

That is the portrait of the defendant Schacht, and that is the part played by him in Hitler's conspiracy and war crimes.

It is the part of the creator of Nazi Germany's war economy and of an instigator of the Second World War launched by the criminal Nazi Government.

Walter Funk became a Nazi long before his official admission in 1931, into the membership of the NSDAP, and he remained a Nazi up to the end. His economic knowledge, his experience as a journalist, his extensive

H0191-0123

connections with the leaders of the German industry, trade and finance were put by him at the service of the Hitlerite conspirators. An article published in the newspaper "Das Reich" on 13 August 1940, under the heading "Walter Funk - pioneer of the national-socialist thought", read as follows:

USSR-450 Trans. 7.V.46, morn.ses. page 51

"Walter Funk was true to his principles because he was, is and always will be a true national socialist, a champion, devoting all his labor to the victory of the Fuehrer's ideals."

What was meant by "Fuehrer's ideals", we already know only too well. Funk devoted to these "ideals" 15 years of his life.

Trans. 6.V.46 ev.ses. pp 57-62

Funk declared that he had nothing in common with the SS, but it was he, Funk, who transformed the vaults of the Reichsbank into depositories for the treasures, plundered by the SS-men in the Eastern and other occupied territories.

Trans. 7.V.46 morn.ses. pp 1-22

Funk personally gave orders, after his negotiations with Himmler, to take into the Reichsbank the golden tooth plates, the glass rims and other valuables belonging to the victims of numerous concentration camps, tortured to death.

The Gruppenfuehrer SS Hoiler was Funk's deputy. Under Funk's direction operated Olendorf, this murderer, who has the death of 90,000 persons on his conscience.

Trans. 3.I.46 morn.sds. p.17

USA-36 PS-2194 USSR-451

Funk, supplementing Schacht's measures, put the whole of Germany's economy at the service of the aggressive Hitlerite plans, and later on - the economy of the territories Germans occupied as well.

USA-662 PS-2409

Already in May 1939, Funk, together with his Deputy, Landfried, elaborated plans for the financing of the war and the utilization of the economic resources of Germany and annexed Czechoslovakia, for war purposes.

USA-782
PS-378

On 23 June 1939, Funk takes part in the conference of the Reich Defense Council, which elaborated detailed plans for the reconversion of all national economy to a war footing.

USSR-452

Already at that epoch, Funk was not only informed of Germany's impending attack on Poland, was not only cooperating in the realization of this aggressive plan, but was also preparing economically new wars, the seizure of new territories. Such were the "Fuehrer's" great political aims which were set out by Funk, a few months later, in his article entitled "Economic and Financial mobilization".

I shall mention one more ducment. On 25 August 1939, Funk wrote to Hitler:

GB-49
PS-699

"Fieldmarshal Goering told me that my Fuehrer yesterday evening approved the main points of the measures conceived by me for the financiing of war, stabilization of prices, fixation of wages and the organization of subscription to obligatory donations; this news made me happy."

A long time before the treacherous attack of Germany against the USSR, Funk participated in the elaboration of plans for the spoliation of the riches of the Soviet Union.

Funk attached his collaborators to Rosenberg's ministry and to the Economic Staff OST - this predatory organization. Funk's agents took part in the plunder also of Czechoslovakia, Jugoslavia and other occupied countries.

Transc.
7-5-46
morn.
pp. 1-64

Funk was thepresident of the "Continental Oil Company" which was created for the exploitation by Germans of the oil fields in the occupied Eastern Territories, and especially the oil fields of Grosny and Baku.

Funk was in full agreement with the predatory aims of the war launched by Germany against the USSR. He made aspeech on 17 December 1941 in Prague, to the effect that the East is the future German colony. Funk participated at the conference which took place on 6-8-1942 at Goering's office, for the discussion of the most effective measures for the economic plunder of theoccupied territories of the USSR, Poland, Czechoslovakia, Jugoslavia, France, Norway, and other countries.

H0191-0124

At this conference, as well as at the conference of the "Central Planning Board", Funk participated in the elaboration ofplans for the deportation to slavery of millions of people from the occupied territories.

Such are the fundamental stages of the criminal activity of the Hitlerite conspirator, defendant Funk - Hitler's personal adviser on the economic question since 1931, Reich Minister and Plenipotentiary General for Economic questions, Presidentof the Reichbank and member of the Reich Defense Council, during the period of the preparations and the realization of the criminal plan (conspiracy).

The guilt of Funk, this active participant of fascist conspiracy for the realization of crimes against individuals, in war crimes and crimes against humanity - this guilt has been fully proved and he must bear the responsibility for the evil deeds perpetrated by him.

SCHIRACH

Since 1931 and until the end of the war, the defendant von Schirach was at the head of the Nazi youth.

After the publication of 1st December 1936, of a decree concerning the Hitlerite youth, von Schirach was - in his capacity of the Reich leader of youth - directly subordinated to Hitler.

In his statements before the Court, the defendant von Schirach, in his efforts to avoid the responsibility for the education of the German youth in the spirit of national socialist ideas, made frequent references to the fact that "Hitlerjugend" was a youth organization independent of the nazi party and the Hitlerite government.

For the purposes of his defense, the defendant Schirach deemed it possible and relevant to refer to the great Goethe, whose words - "the youth itself educates young people" - were utilized by Schirach with open cynicism.

Goethe, was, of course, right when he said that "the youth itself educates the young people". But he meant the healthy youth full of value, joyful youth, and not youth corrupted with the obscur antism of the Hitlerism, described clearly by the words of Hitler addressed to Rauschning:

H0191-0125

USSR-378
(p. 252)

"We shall educate youth before which the whole world shall tremble - rough, exacting, cruel youth. That is what I want. Our youth must be in the possession of all these qualities. It must be without pity before suffering. It must be without weakness or softness. I want to see a glint of the wild animal in its eye."

And the Defendant Schirach instilled systematically the ideas of Hitlerism in the conscience of German youth, and educated the German youth in the spirit of Hitler's wishes, modelling them after the image of the grown-up-leaders of the Hitlerite gang.

During cross examination, the defendant Schirach was, at the end, forced to admit that the German youth was brought up in the spirit of national socialist ideas, that members of the SA, officers of the German armed forces, and the SS, participated in its education, and that intense preparation of the youth for war was being carried out in Germany. For this purpose, special agreements were made between the Reich Leaders of "Hitlerjugend" and the OKW, as represented by the

H0191-0126

H0191-0127

defendant Keitel and the Reichsfuehrer SS Himmler, which made provisions for the education of youth in the spirit of aggressive militaris and appropriate enlistment and the preparation of youth for the German armed forces and the SS units.

The part taken by the defendant von Schirach and his participation in the common conspiracy, in war crimes and crimes against humanity are best of all characterised by the behaviour of the German youth brought up in "Hitler jugend" during the war.

The Soviet Prosecution has presented to the Tribunal under #USSR-6 in conformity with Article 21 of the Charter, a report of the Extraordinary State Commission about the crimes committed by the Germans on the territory of Lwow region.

This report records the declaration of the French citizen, Ida Wasseaux about the inhuman execution by the members of the "Hitler jugend" of young children, of whom they made targets for shooting.

USSR-455 In her wirtten deposition of 16 May 1946 and also in her answers to the questionnaire of Counsel for the defendant Schirach, Ida Wasseaux confirmed this declaration to the letter.

Conclusive testimony of criminal actions of the members of the "Hitler jugend" in the cadre of the German armed forces were given by a German soldier, war-prisoner, Hertom Knitel, himself a former member

USSR-454 of the "Hitler jugend" since 1938 and who at the age of 18, was recruited into the German army in 1942.

Describing his participation in numerous crimes Hert Knitel, declared: "In the locality of Lishaisk, our company set on fire in June 1943 a house together with all the people who were in it ... All those tried to jump out of the house, we shot down, excepting one old woman whom we did not shoot, down, as she lost her mind before our very eyes..."

For all these crimes, the defendant von Schirach bears full responsibility together with Hert Knitel and thousands of others.

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USSR-357

Schirach himself did not, of course, shoot, did not set on fire but he armed the German youty, morally corrupted it and prepared it for the commission of any atrocity.

But the activity during the war of the "Hitler jugend" and the defendant Schirach was not limited to these crimes only.

The Hitlerjugend" took an active part in the preparation of the war of aggression by the creation of fifth columns in Poland and Yugoslavia; the official reports of the Polish and Yugoslav Governments testify to this fact. The Organization "Hitlerjugend" took an active part in the execution of all the measures undertaken by the Ministry for Occupied Eastern Territories, and this is shown by the report of the defendant Rosenberg, presented to the Tribunal as 31039-PS; it participated also in the deportation to slavery from the occupied territories of children between the ages of 10 and 14, which fact is proved by a document presented to the Tribunal under # 1031-PS.

In his capacity of Reich Deputy and Gauleiter of Vienna, Schirach directed personally the eviction of 60,000 Jews from Vienna, and who afterwards were exterminated in the concentration camps of Poland. The documents presented by the prosecution -weekly reports addressed to Schirach, prove the fact that he was informed of all the numerous crimes perpetrated by the German armed forces and the occupation authorities in the East, and, in particular, about the tragic fate of the tens of thousands of Jews deported from Vienna.

In 1940 the defendant Schirach sent a telegram to Bormann, in which he demanded the destruction from the air of one of the cultural towns of Great Britain, in answer to the murder of Heidrich, that butcher of Bohemia and Moravia.

This telegram is in itself a sufficiently vivid and convincing description of the moral aspect of von Schirach. Faithfull to the Hitler clique, right to the end, aware of all its criminal deeds, in which he himself took an active part -the defendant von Schirach is one of the most sinister figures of the third Reich.

THE PRESIDENT: The Tribunal will adjourn now.

(The Tribunal adjourned until Tuesday, 30 July, at 1000 hours.)